COUNCIL

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 16 July 2015

1 Seaview Parade Collaroy, 1 Seaview Parade Collaroy - Alterations and additions to an existing dwelling house including the construction of a swimming pool and landscape works

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2014/1234

Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 5 DP 6952 , 1 Seaview Parade COLLAROY NSW 2097 Lot 4 DP 6952 , 1 Seaview Parade COLLAROY NSW 2097
Proposed Development:	Alterations and additions to an existing dwelling house including the construction of a swimming pool and landscape works
Zoning:	LEP - Land zoned R2 Low Density Residential 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:	Radaca Investments Pty Ltd
Applicant:	BJP Architects

Application lodged:	20/11/2014
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	04/12/2014 to 19/12/2014
Advertised:	20/06/2015
Submissions:	6
Recommendation:	Approval

Estimated Cost of Works:	$ 4,337,000

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 Local Environmental Plan 2011 - 5.10 Heritage conservation
Warringah Development Control Plan - B1 Wall Heights
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - D7 Views
Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 5 DP 6952 , 1 Seaview Parade COLLAROY NSW 2097 Lot 4 DP 6952 , 1 Seaview Parade COLLAROY NSW 2097
Detailed Site Description:	The subject site is generally rectangular in shape, has a surveyed area of 1376m² and comprises two allotments, Lots 4 & 5 in DP 6952. Located on the eastern side of Seaview Parade, the site adjoins Fishermans Beach to the east. The site has an easterly aspect and Long Reef Headland and Golf Course are located to the south and south-east of the site. The front western portion of the site has been excavated up to a depth of 2.0m to enable the building platform of the existing two and three storey dwelling and tennis court located on the southern allotment and northern allotment, respectively. Vehicular access to the site is provided from Seaview Parade. Vegetation on site consists of grass lawn areas and small shrubs. Small to medium size canopy trees and palms are located on the eastern side of the rear (eastern) boundary. The subject site is zoned R2 - Low Density Residential under Warringah Local Environmental Plan 2011 (WLEP 2011), located within a coastal protection zone and identified as being Land Slip Risk Map - Area A. The "Eight Bells" dwelling house is a locally listed heritage item under WLEP 2011 and is

	located on the western side of Seaview Parade, approximately 20m from the subject site.

Map:

SITE HISTORY

Development Application DA2013/0674 for alterations and additions to a dwelling house was withdrawn 24 September 2013.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development involves the demolition of the existing tennis court and associated structures located on Lot 5 (DP 6952) and alterations and additions to the existing two and three storey dwelling house located on Lot 4 (DP 6952), including extending the dwelling over Lot 4. In summary, the following works are proposed:

- Demolition of existing tennis court and associated structures on Lot 5;
- Part demolition, reconfiguration and renovation of the existing dwelling;
- Alterations and additional residential accommodation on Lot 4, the part of the site currently occupied by the existing tennis court; and
- Carparking, inground pool, coastal protection works and landscaping.

Demolition Works

- Demolition of the tennis court located over Lot 5;
- Demolition of external walls of the existing dwelling on Lot 4 to facilitate alterations to the existing dwelling and the addition of a new two and three storey addition to the north, over Lot 5;
- Part demolition of the front western portion of the existing dwelling, resulting in an increase to the front setback of more than 4.0m;

- Minor modifications to rear south-east portion of existing dwelling;

Resultant Dwelling House

- Use of pier and pile type construction for the new additions and swimming pool (in accordance with submitted coastal engineering report);
- Removal of existing flat roof and provision of low pitch metal roof forms;
- Provision of internal lift;
- Lower level comprising plant, cellar, laundry, entertainment room, games room, home theatre and gym, and 'self accommodation' (not a secondary dwelling);
- Middle floor plan comprising kitchen, bedrooms, living room, food preparation room, terrace, vehicle cross-over, driveway and double garage; and
- Upper floor level comprising bedrooms, robe rooms, void and terrace;

Landscaping and Site Works

- Swimming pool located within rear setback;
- Demolition of existing sandstone block wall at the seaward property boundary and construction of a seawall (vertical sandstone block wall) in accordance with coastal engineering report.;
- Excavations up to 3.0m in depth to provide lower floor level of addition over Lot 5;
- Removal of redundant cross-over and driveway and restoration (embellishment) of road reserve;
- No removal of significant trees or vegetation;
- Landscaping works comprising lawn grass areas, small to medium size native shrubs, understorey species and trees;
- Stormwater infrastructure, including roof drainage system, rainwater tank and absorption trench, to enable discharge to street and beach;
- No side or front boundary fencing is proposed.

External Materials and Finishes

- Metal roofing, timber garage door, external rendered concrete and stone cladded wall, timber and aluminium framed windows and doors, timber privacy screens and glass balustrades.

Amended Plans

Amended plans were received in response to flooding concerns raised by Council's Engineer. The amended plans detailed the provision of a flood wall in accordance with overland flow modelling through the site.

In accordance with cl.A.7 Notification of WDCP, the amended plans were not re-notified as they only differed in minor respects from the original application and will not result in a greater environmental impact.

Consolidation of Lots

A condition has been included in the Recommendation for the two lots, being Lot 4 and 5 in DP 6952, to be consolidated into one lot.

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)(iiia) – 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)	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 of consent. Clause 50(1A) 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. Clauses 54 and 109 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 submitted amended plans, additional flood plans, documentation and modelling in response to concerns raised by Council's Engineers. In accordance with cl.A.7 Notification of WDCP , the amended plans were not re-notified as they only differed in minor respects from the original application and will not result in a greater environmental impact. Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. Clauses 93 and/or 94 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. Clause 98 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.

Section 79C 'Matters for Consideration'	Comments
	Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. Clause 143A 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.
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 (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 6 submission/s from:

Name:	Address:
Boston Blyth Fleming Pty Ltd	Suite 1/9 Narabang Way BELROSE NSW 2085
Bruce Ian Gemmell Ms Justine Susan Price Powell	8 Seaview Parade COLLAROY NSW 2097
Ralph Anthony Papandrea Kerry Lyn Papandrea	10 Seaview Parade COLLAROY NSW 2097
Glendinning Minto & Assoc Pty Ltd	Po Box 225 THORNLEIGH NSW 2120

Name:	Address:
Hilary Jean Lyndon Mr Ted Lyndon	1 C Seaview Parade COLLAROY NSW 2097
Mrs Christine Anne Housego	14 Seaview Parade COLLAROY NSW 2097

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

- View loss
- Heritage impact on No.8 Seaview Parade
- Notification
- Rear setback
- Excessive bulk and scale

The matters raised within the submissions are addressed as follows:

- **View loss**
  The concern is that the proposed development will cause unacceptable view loss, including views of Fisherman's, Narrabeen and Collaroy Beaches and the Long Reef land/water interface, which are available from adjoining and surrounding properties. In this regard, the conclusion that view sharing is achieved as per the view loss assessment provided in the Statement of Environmental Impacts (SOEE) submitted with the application, is not concurred with.

  Comment:
  The impact of the proposed development on the available views of adjoining and surrounding properties, including Nos.1D, 5, 6, 8,10, 12 and 14 Seaview Parade, are assessed under WDCP - D7 Views.

  In summary, the extent of view loss to adjoining and surrounding properties was assessed as being acceptable. This conclusion is based on the proposal being consistent with the four step assessment of the view sharing principle outlined within the Land and Environment Court Case *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140.*

  Height poles were not required to be erected for the view sharing assessment given several site inspections of affected properties, the retention and location of the existing dwelling and use of survey and architectural plans submitted with the application.

  Based on the above, it is concluded that the proposed development will maintain view sharing between adjoining and surrounding properties. Therefore, the concerns raised in relation to view loss do not warrant refusal or redesign of the application.

- **Heritage impact on No.8 Seaview Parade**
  The concern is that the development will unreasonably impact on the heritage significance of the WLEP 2011 locally listed heritage item, being the WLEP listed "Eight Bells" dwelling house located at No.8 Seaview Parade, Collaroy.

  The submission notes that the heritage significance of the item is based on and associated with the ocean views available from the dwelling. In this regard, the assessment of view loss should

be carried out in accordance with the *Impact of adjacent development* planning principle established in the Land and Environment Court Case (LEC Case) *Anglican Church Property Trust v Sydney City Council [2003] NSWLEC 353* rather than the View sharing principle established by the LEC Case *Tenacity Consulting V Warringah [2004] NSWLEC 40*.

On this basis, the loss of views is contrary to WLEP 2011 Cl. 5.10 (1) *Heritage conservation* which provides: "*to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*".

Comment:
The WLEP listed heritage item, the "Eight Bells" dwelling house is located approximately 20m to the west of the subject site, separated by Seaview Parade.

In accordance with WLEP 2011 Cl. 5.10 (1) Heritage conservation, a heritage report is not required to be submitted with the application. However, the SOEE submitted with the application has addressed the control and concludes that "*by virtue of its design and distance from the above heritage item is unlikely to have any material impact upon the item*..."

The application was referred to Council's Heritage Advisor for heritage assessment and to consider the concerns raised in the submission. In summary, Council's Heritage Advisor provided that the "*proposed works are considered acceptable from a heritage perspective and will not give an impact on the significance of the heritage item in the vicinity"*. Detailed referral comments are provided in detail under the Referral section of the report.

Having regard to the above, it is considered that the heritage significance of "Eight Bells" is not based on the views obtained from the dwelling but rather the fabric and style of built form itself. As such, the development is not contrary to relevant planning principles (detailed above) and the most appropriate planning principle to assess view loss for this application is the View sharing principle established by the LEC Court Case *Tenacity Consulting V Warringah [2004] NSWLEC 40*.

The concerns raised in relation to heritage significance do not warrant refusal, redesign or further assessment of the application.

- **Notification**
  The concern is that No.14 Seaview Parade was not notified of the proposed development.

  A search of Council records reveals that the application has been advertised and notified in accordance with the requirements of WDCP. This included a notification letter being sent to the owners of No.14 Seaview Parade. Also, a site inspection was carried out at the property in the presence of the owner.

  The concerns raised in relation to notification do not warrant refusal, redesign or re-notification of the application.

- **Rear setback**
  The concern is that the dwelling does not comply with the rear setback control and should not exceed the rear setback line established by adjoining and surround properties.

Comment:
The applicable rear setback to the subject and adjoining properties is provided by cl. B9 Rear Boundary Setbacks of WDCP which requires a minimum 6.0m setback. The rear setback to the dwelling varies from 7.0m to 12.5m which complies with this requirement. The development also complies with the requirements of cl. 6.5 Coastline hazards of WLEP 2011.

This setback will not detract from the existing visual continuity and pattern of adjoining and surrounding development nor will it generate unreasonable amenity impacts on neighboring properties, including view loss, privacy and overshadowing.

Based on the above, the concern raised in relation to the rear setback do not warrant refusal or redesign of the application.

- **Excessive bulk and scale**
  The concern is that the resultant dwelling is excessive in bulk and scale, particularly in relation to adjoining properties and that it is to be constructed over two allotments.

  Comment:
  A condition is included in the Recommendation for the two lots to be consolidated into one lot. Viewed from the street, the dwelling will be two storeys in height which is compatible with neighbours. The built form is articulated with a variety of high quality materials and finishes and recessive building features, including open terrace areas and a segmented middle "linked wing". These building components will combine to provide a dwelling of acceptable bulk and scale when viewed from adjoining properties, Seaview Parade and Fishermans Beach.

  Also, the proposal complies with the maximum 8.5m requirement of WLEP 2011 cl. 4.3 Height of buildings and satisfies the Objectives of WDCP cl. B3 Side Boundary Envelope. No maximum storey height controls apply to the site.

  Based on the above, the assessment has found that the resultant built form is compatible with the character of the streetscape and surrounding area and is not considered excessive in terms of height, bulk and scale.

  The concerns raised in this regard do not warrant refusal or redesign of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	The application was referred to Council Engineers on four occasions and the following provides comments from each of these occasions. **Engineering Comments 8 January 2015** The following referral comments were provided by Councils Development Engineer;

Internal Referral Body	Comments
	"Development Engineers have reviewed the proposal and advice that the proposal cannot be supported for the reasons stated below:- *The subject site proposed for development is located at the low point in the street, which would be potentially affected by a 1 in 100 storm water overland flow. In this regards a flood study for the 100 year ARI storm water runoff is to be determined for the site by the applicant's hydraulic Engineer (NPER registered). The engineer must determined flood levels and show that the flood levels have no negative impact on the proposed development and adjoining properties. Pre-development & post-development 100 year stormwater overland flow conditions have to be established with the use of Hec-Ras hydraulic model or similar. The hydraulic report must indicate that the flood levels for the adjoining properties and the proposed development is not worse off post development.* *Site investigation indicates that a Council's pipe drainage system may be located within the property and if the pipe is active all structures proposed must ensure compliance with Building Over or Adjacent to Constructed Council Drainage Systems and Easements Policy. This may prohibit construction of any structures over Council's pipe drainage system.* *It is recommended the application be refused for the following reasons:-* • *Does not meet the objectives of stormwater control under Warringah Council DCP.* • *Does not comply with Warringah Council's Stormwater Drainage Policy ENV-PL410.* • *Does not comply with Council's policy on "Building Over or Adjacent to Constructed Council Drainage Systems and Easements Policy."* **Engineer Comments 6 February 2015** Additional information was received by Council in relation to previous engineer referral comments. This information was referred to Council's Engineer for assessment and the following comments were received: *"The submitted Hydraulic report has insufficient information to concur with the findings of the flood report, for the following reasons:* *1. Pre vs Post development flood level difference mapping drawing F11 does not have a legend – it is difficult to assess this flood report with regards to what the colours represent. Council requires a legend to be added to this drawing.* *2. Flood report does not consider the existing house footprint at 5 Seaview Parade – the report appears to be based on the previous house footprint and the existing house footprint may impact the Pre and post development flood conditions. Council requires the flood model to be reviewed, based on this house being reimposed into the tuflow flood model. The flood report must then be updated to include the revised flood*

Internal Referral Body	Comments
	model results. *3. Pre vs Post development flood velocity difference mapping is not submitted to development engineers – it is noted that under pre-development condition flood water flows through the existing tennis court from Seaview Parade. However, insufficient information is provided to document the post-development condition given the development is damming this flow. It is unclear as to the impact of damming of the flow to other properties fronting Seaview Parade and public road itself. The hydraulics consultant must submit sufficient information to demonstrate that the development will not have a detrimental impact on flooding in Seaview Parade. Boundary conditions adopted in the tuflow flood model must mirror the existing site conditions and documented in the report. A pre vs post development flood velocity difference mapping must be submitted to Council.* *4. The tuflow model should represent how the 100 year pre vs post flow has no impact to all other properties in Seaview Parade due to diversion of stormwater flows by the proposed development.* *5. No details of Council's pipe drainage system that may be located within the property has been submitted. If the pipe is active all structures proposed must ensure compliance with Building Over or Adjacent to Constructed Council Drainage Systems and Easements Policy. This may prohibit construction of any structures over Council's pipe drainage system.* *The Development Engineer is unable to support the application for reasons provided previously."* **Engineering Comments 19 March 2015** Additional information was received by Council in relation to previous engineer referral comments. This information was referred to Council's Engineer for assessment and the following comments were received: *"Reference is made to the flood report by ACOR Consultants, report no. GO140638, issue 2 dated 11.02.2014.* *The existing flood regime (drawing F5) identifies flood water traversing the subject site during the 1 in 100 year ARI storm event. Discussion with the hydraulics consultant reveals approximately 0.5 cubic metres per second currently traverses the subject site.* *The proposal (drawing F8) stops all flood water traversing the site and diverts flows to other parts of Seaview Parade for the post-development condition. The report states: " . . .there is no adverse impact of flooding on the surrounding properties due to the proposed development."* *Preliminary review of drawing F11 appears to suggest an increase of 100mm (approx.) in some parts of Seaview Parade. The report indicates that the development will result in increase in flood level of approximately 100mm. Flood water velocity appears to increase by 0.5 metres per second due to the development. In this regard, Development Engineers cannot support the proposal as the development will exacerbate the flood*

Internal Referral Body	Comments
	regime in Seaview Parade and adjoining private properties. *Flood report does not consider the existing house footprint at 5 Seaview Parade – the report appears to be based on the previous house footprint and the existing house footprint may impact the Pre and post development flood conditions.* *Furthermore, the report does not address item 5 of Development Engineers referral dated 6 February 2015 with regards to Council's pipe drainage system that may traverse the subject site.* *It is recommended the application be refused for the following reasons:-* • *Does not meet the objectives of stormwater control under Warringah Council DCP.* • *Does not comply with Warringah Council's Stormwater Drainage Policy ENV-PL410.* • *Does not comply with Council's policy on "Building Over or Adjacent to Constructed Council Drainage Systems and Easements Policy*." **Engineering Comments 16 June 2015** Additional information was received by Council in relation to previous engineer referral comments. This information was referred to Council's Engineer for assessment and the following comments were received: *"The submitted amended Architectural plans have been modified to allow for a flood wall which appears to be consistent with the Hydraulic report prepared by ACOR Consultants. No amended landscape plans was provided.* *No Engineering objection is raised to the amended Architectural plans submitted. The recommended conditions in Trim 2015/158389 is final and no amendment is required."* **Planner Comments** A condition has been included in the Recommendation for the landscape plan to be amended so that a flood wall is incorporated into the plan (as per Engineer comments).
Environmental Investigations (Acid Sulphate)	The application was referred to Council's Environmental Health and Protection (Acid Sulphate) Officer and no concerns were raised to the development subject to conditions being included in the Recommendation to address Acid Sulfate Soils. Specifically, the recommended condition requires an Acid Sulfate Soils Management Plan to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate Soils Manual (ASSMAC 1998) and submitted to the Council for review prior to issue of the Construction Certificate.
Heritage Advisor	HERITAGE COMMENTS

Internal Referral Body	Comments

Discussion of reason for referral

The subject site is zoned R2 - Low Density Residential under Warringah Local Environmental Plan 2011. The subject site is not a listed item of heritage significance, however it is located within the vicinity of a locally listed heritage item, which is listed under the provisions of Schedule 5 of the Warringah Local Environmental Plan 2011 being I28 *House known as "Eight Bells"* located at 8 Seaview Parade, Collaroy. The subject site is located approximately 20 metres to the east of the heritage item, separated by Seaview Parade.

Details of heritage items affected

Details of the local heritage item in the vicinity of the proposal, as contained within the Warringah Heritage Inventory Database, are:

Item I28 *House known as "Eight Bells"*, 8 Seaview Parade, Collaroy.

Statement of Significance:
"A good representative example of an inter-war functionalist dwelling. High degree of design integrity and much original fabric. Historically provides evidence of the development of larger scale, architect designed residences in locations close to the sea."

Physical Description:
"Two storey dwelling of painted rendered masonry. "Streamlined" with curved and square corners and bands of steel framed windows. Entrance porch of curved painted brick wall and small concrete hood. High parapet, simple lines and no decoration/features."

Other relevant heritage listings

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No	
Other	No	

Consideration of Application

The application is for alterations and additions to an existing dwelling

Internal Referral Body	Comments
	house including the construction of a swimming pool and landscape works. Details of the proposal are outlined in the Statement of Environmental Effects (SEE) which accompanies the application, prepared by Moody and Doyle Town Planners, which addresses Warringah Local Environmental Plan (WLEP) 2011 Clause 5.10 Heritage Conservation and concludes “The subject site is located approximately 20 metres from the Heritage Item. “Eight Bells”…The proposal, by virtue of its design and distance from the above heritage item is unlikely to have any material impact upon the item described above.” It is noted that a submission was received on the 19th of December 2014 from the owners of the locally listed heritage item *“Eight Bells”* in the vicinity of the subject site. The concerns in this submission related to heritage have been reviewed and considered. The Statement of Significance within the Warringah Heritage Inventory Database for this item states that this house is a *“good representative example of an inter-war functionalist building*”, and on a site visit undertaken on the 15th January 2014 it was confirmed that the item is in good condition. The proposed development will result in an extended two storey dwelling house (from the existing two storey house on the subject site) of a scale and form which is comparable and compatible with surrounding residential development. Given the existing setting of the heritage item within a residential streetscape it is considered that the proposal for the subject site will not result in any adverse impact on this heritage item at 8 Seaview Parade. The current residential setting of the heritage item will not be adversely impacted by the introduction of the proposed development. In conclusion, given the nature and location of the proposal it is considered that the proposed works are considered acceptable from a heritage perspective and will not gave an impact on the significance of the heritage item in the vicinity, being I28 House known as “Eight Bells” located at 8 Seaview Parade, Collaroy. Therefore, no objections are raised to this application on heritage grounds and no conditions are required.
Landscape Officer	The application was referred to Council's Landscape Officer and no concerns were raised to the development subject to conditions which have been included in the Recommendation.
Natural Environment (Biodiversity)	Council's Natural Environment (Biodiversity) has assessed the application and provides that "*The proposed native landscaping compliments the wildlife corridor in this location*".

Internal Referral Body	Comments
Natural Environment (Coastal)	The application was referred to Council's Natural Environment (Coastal) Officer and no concerns were raised to the development subject to conditions being included in the Recommendation. Specifically, the following comments were provided: "*Based on the information in the coastal engineering advice provided with the application the development can be approved subject to conditions. The recommendations outlined in the Coastal Engineering advice dated 10 October 2014 by Haskoning Australia, particularly those relating to piling of the development, are to be incorporated in the final development.*" **Planner Comments** It is noted that Council's Natural Environment (Coastal) Officer has included suitable conditions in the Recommendation to this effect.
Parks, reserves, beaches, foreshore	The application was referred to Council's Parks, reserves, beaches, foreshore Officer and no concerns were raised to the proposed development.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid and no objections are raised to the proposed development subject to conditions which have been included in the Recommendation.
Aboriginal Heritage	The application was not referred to the Aboriginal Heritage Office. However, a condition is included in the Recommendation for works to cease and the NSW Police to be contacted should human remains be uncovered at any time.

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 71 - Coastal Protection

Matters for Consideration	
Is the development located in an area identified as being within:	
100m of the coastline mean high water mark?	Yes
A Sensitive Coastal Location under SEPP 71?	No
A Zone of Wave Impact under WLEP 2000?	No
A Zone of Slope Adjustment under WLEP 2000?	No
A Reduced Foundation Capacity under WLEP 2000?	No
Within an area identified under the report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParsons Issue 8, July 2009 as being subject to coastal impact? Note: Prior to any consideration of the proposed development it should be noted that Coastal Processes are constantly changing. Statutory Planning processes however, cannot be varied at the same rate. Notwithstanding, Council has recently received a report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParson Issue 8, July 2009 to review the Coastal Hazard Zones and potential impacts of coastal processes, such as erosion, rising sea levels and large storm events. Whilst Warringah Local Environment Plan 2011 stipulates legislative provisions for consideration, this report provides additional information which has been brought to Council's attention. Accordingly, pursuant to s79C (b), (c) & (e) under the Environmental Planning Assessment Act 1979 consideration of this report will be given to aid in the interpretation of the current controls and any recommendations provided there after to help determine the likely impacts upon the natural and built environments, the suitability of the site for development and the public interest.	Yes. The proposal includes a seawall to be constructed in accordance with the recommendations contained in a coastal engineering report prepared by Haskoning Australia (10 October 2014) submitted with the application. This will involve replacing the existing mortared vertical sandstone block wall at the seaward property boundary with a new unmortared vertical sandstone dimensioned block wall, similar in appearance to the wall that has recently (in May 2013) been constructed at the adjacent property to the north, no. 5 Seaview Parade Collaroy. The coastal engineering report states that the height of the wall is expected to have a crest level of "*about 5.7 to 5.8 m AHD*".

(Note: the report will not be given determining weight as it is not legislated unlike the existing provisions under WLEP 2011.)	

Requirements under SEPP 71 – Coastal Protection
The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are to be considered.

Only the relevant sections of State Environmental Planning Policy No.71 – Coastal Protection to be considered by the Natural Environment Unit are identified below. It must be noted that all other provisions may apply to the subject site and should be considered prior to the determination of the Development Application.

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
Is the development acceptable with regard to the SEPP 71 Policy aims to be considered by Natural Environment Unit detailed as follows: *(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and…* *(f) to protect and preserve beach environments and beach amenity, and* *(g) to protect and preserve native coastal vegetation, and* *(h) to protect and preserve the marine environment of New South Wales, and* *(i) to protect and preserve rock platforms, and* *(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and…* *(l) to encourage a strategic approach to coastal management.*	Yes	The proposal is considered consistent with the aims of the policy.
Does the development implement		There is no remnant native

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats?	Yes	vegetation or potential habitat for threatened species on the subject site, as such measures to conserve animals, plants or their habitat are not required.
Does the development implement measures to conserve fish (within the meaning of Part 7A of the *Fisheries Management Act 1994*) and marine vegetation (within the meaning of that Part), and their habitats?	Yes	The resultant dwelling house will not adversely impact on fish and marine vegetation. As such, no additional measures to conserve fish and marine vegetation are required.
Does the development take into consideration existing wildlife corridors and the impact of development on these corridors?	Yes	The proposal will not have any significant impact on any existing wildlife corridors.
Are the likely impact of coastal processes and coastal hazards on the development and any likely impacts of the development on coastal processes and coastal hazards acceptable?	Yes	The proposal includes a seawall to be constructed in accordance with the recommendations contained in the coastal engineering report submitted with the application. On this basis, the development is not likely to adversely affect the impacts of coastal processes and coastal hazards. Furthermore, the proposal will not significantly alter the existing impacts of the development on coastal processes and coastal hazards.
Are the likely impacts of development on the water quality of coastal waterbodies acceptable?	Yes	There are no large water based activities in the area and the subject site is an existing allotment(s) in a residential urban area. Therefore, the proposed development does not require measures to reduce the potential for conflict between land-based and water based coastal activities.

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
Is the development acceptable with regard to: *(i) the cumulative impacts of the proposed development on the environment, and* (ii) measures to ensure that water and energy usage by the proposed development is efficient	Yes	The cumulative impacts of the proposal are considered acceptable. Additionally, the development is satisfactory in relation to water and energy usage as a BASIX certificate has been submitted with the application.
Does the development, include a non-reticulated system?	Yes	The proposed development does not include a non-reticulated system.
Does the development seek consent, or result in, untreated stormwater being discharged into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform?	Yes	Stormwater runoff from the development is to be discharged to a rainwater tank or collected by an absorption trench, and directed to a sediment control pit prior to discharge to beach via stormwater pipe. Therefore, the proposed development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A198166 dated 28 August 2014). The BASIX Certificate indicates that the development will achieve the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below.

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 referred to Ausgrid and no objections are raised to the proposed development subject to conditions which have been included in the Recommendation.

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	varying heights from 5.5m to 8.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

Detailed Assessment

5.10 Heritage conservation

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	varying 5.3n to 8.3m	up to 15.3% (1.1m)	**No**
B2 Number of storeys	N/A	N/A	N/A	N/A
B3 Side Boundary Envelope Exception should roof eave breach building envelope	4m <0.9m setback to roof eave	**south elevation (elevation)** upper most section of the "Void" projects outside of building envelope **north elevation (elevation)** located within projected building envelope **south elevation (roof eave)** 1.062m setback to roof eave **north elevation (roof eave)** 2.589m to 6.866m setback to roof eave	15% (0.6m) N/A N/A N/A	**No** Yes Yes (exception) Yes (exception)
B5 Side Boundary Setbacks	0.9m	north elevation: 2.589m to 6.866m south elevation: 1.062	N/A N/A	Yes Yes
B7 Front Boundary Setbacks	6.5m	varying from 6.5m to 11.6m	N/A	Yes
B9 Rear Boundary Setbacks Rear Boundary Setback Exception	6.0m <50% of rear setback	dwelling: 7.0m to 12.5m pool comprises 34.1% (59.8m²) of rear setback (175.41m²)	N/A N/A	Yes Yes (as exception)
B11 Foreshore Building Setback	N/A	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	44.0% (606m²)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	Yes	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Rear Boundary Exceptions - R2	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	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	N/A	N/A
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	N/A	N/A
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposed (and existing) wall height varies from 5.3m to 8.3m which does not comply with the maximum 7.2m wall height requirement of the control. This represents a variation up to 15.3% (1.1m)

Merit consideration:

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

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

  Comment:

  Viewed from the street, the dwelling will be two storeys in height which is compatible with neighbouring development. The proposal complies with the maximum 8.5m requirement of WLEP 2011 cl. 4.3 Height of buildings and WDCP cl. D9 Building Bulk. No maximum storey height controls apply to the site.

  The wall height of the existing dwelling is generally being retained and the alterations to the elevation will substantially reduce the existing bulk and scale of the built form, particularly along the southern elevation. In summary, the built form is articulated with a variety of high quality materials and finishes and recessive building features, including open terrace areas, varying front and rear setbacks and a middle "linked wing" which assists to segment the dwelling into two main sections. The articulation of the built form avoids long continuous wall planes and sufficiently reduces bulk and scale.

  Based on the above, the these building characteristics will combine to provide a dwelling of acceptable bulk and scale when viewed from adjoining properties, Seaview Parade and Fishermans Beach.

  The proposal satisfies the Objective.

- *To ensure development is generally beneath the existing tree canopy level*

  Comment:

The existing tree canopy within the subject and adjoining sites are restricted to small to medium size trees, including palm species. The proposal will provide a variety of grass lawn areas and small to medium size plants, scrubs and trees. In this regard, the resultant dwelling house will sit comfortably within the existing landscape setting.

The proposal satisfies the Objective.

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

Comment:

The proposed development, including the areas of non-compliance, have been assessed as having an acceptable impact on the views of adjoining and surrounding properties. The development is deemed acceptable against the view sharing criteria under D7 Views of WDCP. Compliance with the wall height control would not provide any tangible improvement to the available views from adjoining and surrounding properties, particularly as the proposal complies with the maximum 8.5m requirement of WLEP 2011 cl. 4.3 Height of buildings.

The proposal satisfies the Objective.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The proposed development allows for adequate privacy, solar access and view sharing between properties and has been assessed as being consistent with WDCP cl. D6 Access to Sunlight, cl. D7 Views and cl. D8 Privacy.

The proposal satisfies the Objective.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

Excavation of the site is required to construct the subfloor areas, inground swimming pool, seawall and site protection works. However, the subject site site has previously been severely disturbed and excavated to construct the existing dwelling house and tennis courts. In this regard the amount of excavation works are considered acceptable. Also, proposed landscaping once established will provide an improved landscape setting .

The proposal satisfies the Objective.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The metal low pitch roof forms are considered appropriate.

The proposal satisfies the Objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

South Elevation
The non-compliance is confined to the upper most 0.6m of the (upper floor level) void wall and glass window in between, and extend for a length of 1.8m .

Merit consideration

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

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

  Comment:

  The proposed elevation will replace the existing elevation which comprises long replaces long continuous brick walls with no varying setbacks on any floor levels. In summary, the proposed elevation is highly articulated comprising a variety of high quality materials and finishes and recessive building features, including open service terrace, glass balustrade, smooth rendered external wall, metal roof overhang and the Void supporting floor to ceiling windows.

  The non-complying building element, being the void, is considered minor in that it includes the upper most 0.6m of supporting timber walls and glass and extends for a length of 1.8m. This non-compliance is a direct consequence of the the void wall being projected forward (south) of the proposed elevation by 0.7m.

  Having regard to the above, the non-compliance will have an acceptable visual appearance when viewed from the street and adjoining properties.

  The proposal satisfies this Objective.

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

  Comment:

  The area of non-compliance does not generate unreasonable amenity impacts on adjoining land in terms of overlooking, overshadowing, visual outlook impacts and view loss.

The proposal satisfies the objective.

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

  Comment:

  The mass of the building has been appropriately articulated to minimise its height and maintain the scale of the building. As such, the development responds to the topography, and on balance, the areas of non-compliance are considered acceptable.

  Further, the proposal will not dominate its surrounding or cause an unacceptable sense of enclosure to neighbouring properties.

  The proposal satisfies this Objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D7 Views

Merit consideration

View loss objections were raised in submissions received from adjoining and surrounding properties, including Nos. 1D, 5, 8, 10 and 14 Seaview Parade, that the development would cause view loss.

The view loss assessment carried out includes site inspections of the above properties as well as external inspections of other surrounding properties, including 1A, B and C Seaview Parade. Following this process, the view loss assessment carried out for 1A Seaview Parade is also inclusive of the view loss impacts expected for 1A, B and C Seaview Parade.

Following site inspections of adjoining and surrounding properties, it is considered height poles were not required to accurately assess view loss impacts, particularly given the retention and location of the existing dwelling and use of survey and architectural plans submitted with the application.

In summary, it is concluded that the proposal will not unreasonably affect the views of adjoining and surrounding properties. In determining the extent of potential view loss to the adjoining property, the four (4) steps within the planning principle outlined in the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, were considered and are discussed below:

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

- *To allow for the reasonable sharing of views.*

  Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

"*The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured*".

Comment to Principle 1:

5 Seaview Parade and 1D Seaview Parade
Panoramic views are available comprising the water/land interface of Long Reef Headland, Fishwaterms Beach, Narrabeen Head, Turimetta Head, Mona Vale Head and Bungan Head and (partial) Collaroy and Narrabeen Beach. These views are highly valued.

For No.5 Seaview Parade, the views affected are whole and partial water/land interface of the Long Reef Headland and surrounding reserve.

For No.1D Seaview Parade, the views affected by the development are the partial water/land interface of Collaroy and Narrabeen Beach and Narrabeen Head.

8, 10 and 14 Seaview Parade
Partial water views, obscured by vegetation, as well as partial water/land interface of Long Reef Headland are available. Views of land/water interface of Fishermans Beach and distant water/land interface of Narrabeen Beach (partial) and Headland, Turimetta Head, Mona Vale Head and Bungan Head are also available.

These views are moderate in value.

The views to be affected are partial water views, obscured by vegetation as well as partial water/land interface views of Long Reef Headland.

2. What part of the affected property are the views obtained

"*The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic*".

Comment to Principle 2:

5 Seaview Parade and 1D Seaview Parade
The affected views are obtained in a standing and sitting position and directly obtained over side boundaries from internal living and non-living rooms and the external balcony and private open

space areas.

8, 10 and 14 Seaview Parade
The affected views are obtained in a standing and sitting position over the front boundary and through the corridor of the existing dwellings located on No.1 and No.5 Seaview Place.

3. Extent of impact

"*The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating*".

Comment to Principle 3:

5 Seaview Parade and 1D Seaview Parade
Overall, the extent of the impact on available views is considered negligible to minor.

8, 10 and 14 Seaview Parade
The affected views are partial land/water interface of Long Reef Headland obtained in a standing and sitting position through the corridor of the dwellings located on No.5 and No.1 Seaview Place. The development will have a devastating impact on this view.

However, the overall impact on available views is assessed as moderate to severe.

4. Reasonableness of the proposal that is causing the impact

"*The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable*."

Comment to Principle 4:

5 Seaview Parade and 1D (and 1C) Seaview Parade
These properties will retain their panoramic views with exception of the extremities (widest part of) of the view which will be lost from their respective indoor and outdoor living room areas.

In the case of No.1D Seaview Parade, this includes the land/water interface view of Collaroy and Narrabeen Beach and Narrabeen Headland. In the case of No.5 Seaview, this includes water/land interface view of Long Reef Headland.

The view losses detailed above are obtained directly across respective side boundaries from internal and external living and non-living rooms. However, available panoramic views are also retained and available from the primary internal living areas, external balconies and private open space areas directly to over the rear (eastern boundary) and far eastern portions of respective side boundaries.

The maximum height of the dwelling is 8.5m which complies with the maximum 8.5m building height requirement under WLEP 2011. Similarly, the dwelling complies with the side, rear and front building setbacks numerical requirements of WDCP.

The dwelling does not comply with the numerical requirements of cl. B3 Side Boundary Envelope and cl. B1 Wall Heights of WDCP.

The building envelope non-complying building elements, being the upper portion of the void on the southern boundary, does not cause view loss to adjoining properties. Also, no tangible benefit would be achieved in terms of view sharing to adjoining properties if the resultant dwelling complied with the maximum wall height requirement of 7.2m.

Having regard to the above, the views lost are considered highly vulnerable in that they are obtained directly across a side boundary. The design of the development is considered skilful in that it has been satisfactorily designed in accordance with relevant planning controls. Therefore, on balance, the extent of the view loss is considered to be acceptable and the view sharing acceptable with regard to the requirements of Clause D7 – View Sharing.

8, 10 and 14 Seaview Parade

Water and partial views of the land/water interface of Long Reef Headland will be lost by these properties and replaced by partial and obscure water and headland views.

The proposed dwelling is two storeys in height at the street frontage. The views lost are considered highly vulnerable in that they are obtained over an undeveloped lot. As detailed previously, the design of the development has been satisfactorily designed in accordance with relevant planning controls and is considered skilful enough on that basis. Therefore, on balance, the extent of the view loss is considered to be acceptable and the view sharing acceptable with regard to the requirements of Clause D7 – View Sharing.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is is supported, in this particular circumstance.

D8 Privacy

No privacy concerns were received in submissions to the proposed development.

It is deemed that the building layout has been designed to optimise privacy for occupants of the development and occupants of adjoining properties. The following provides an assessment of the privacy impacts on neighbouring properties:

- Close and direct overlooking from the side elevations of the dwelling is prevented by the use of

privacy screens, narrow width windows and the effective location of windows, blade walls and balconies;
- The use of blade walls and privacy screes will also prevent direct and close overlooking between internal and external habitable and non-habitable areas of respective dwelling houses; and
- Close and direct overlooking of the rear setback of adjoining properties is satisfactorily prevented by adequate spatial separation, the location of Terrace areas, privacy screens and blade walls.

Based on the above, the proposal will not result in any direct or unreasonable degree of overlooking of adjoining and surrounding properties.

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

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan Contribution based on a total development cost of $ 4,337,000		
Contributions	**Levy Rate**	**Payable**
Total Section 94A Levy	0.95%	$ 41,202
Section 94A Planning and Administration	0.05%	$ 2,169
Total	1%	$ 43,370

Demolition Principle

The Land and Environment Court case *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187* has established a principle for determining if a development application should be described as being for additions and alterations rather than a new development. In determining whether an application is appropriate to be regarded as for additions and/or alterations or not, the judgement provided it is appropriate to undertake both a qualitative and quantitative analysis of what is proposed compared to what is in existence.

It is considered, when analysed against the qualitative and quantitative issues detailed under paragraphs 59 and 60 of the judgement, that the extent of the proposal should be characterised as being for alterations and additions (as opposed to new development) as it does not constitute a greater departure from the existing position.

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 DA2014/1234 for Alterations and additions to an existing dwelling house including the construction of a swimming pool and landscape works on land at Lot 5 DP 6952, 1 Seaview Parade, COLLAROY, Lot 4 DP 6952, 1 Seaview Parade, 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**
FLOOR PLAN 01 DA-01	MARCH 2014	BJP

FLOOR PLAN 02 DA-02	MARCH 2014	BJP
FLOOR PLAN 03 DA-03	MARCH 2014	BJP
ROOF PLAN DA-04	MARCH 2014	BJP
ELEVATIONS AND SECTIONS 02 DA-05	MARCH 2014	BJP
ELEVATIONS AND SECTIONS 02 DA-06	MARCH 2014	BJP
ELEVATIONS AND SECTIONS 02 DA-06	MARCH 2014	BJP
ELEVATIONS AND SECTIONS 02 DA-08	MARCH 2014	BJP
SEDIMENTATION CONTROL PLAN DA-10	MARCH 2014	unnamed
FINISHES AND COLOUR SCHEDULE ED 01	OCTOBER 2014	unnamed

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
Coastal Engineering Advice	10 October 2014	HASKONING AUSTRALIA

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.

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

Landscape Plans		
Drawing No.	**Dated**	**Prepared By**
1420 / DA-L01	13.11.14	Trish Dobson

Waste Management Plan		
Drawing No.	**Dated**	**Prepared By**
WASTE MANAGEMENT PLAN	October 2014	unnamed

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:

- The first floor chimney, as shown on approved plans, does not form part of

the approved development.

Note: Separate approval of the fireplace and chimney may be sought by applying for and gaining Approval under a s68 Certificate of the Local Government Act 1993).

- The approved landscape plans are to be amended to detail a flood wall in accordance with the Hydraulic report prepared by ACOR Consultants Pty Ltd (Project No GO140638) drawing no D1 to D6 Issue A, dated 24.04.15.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

3. **Compliance with Other Department, Authority or Service Requirements**
The development must be carried out in compliance with the following:

Other Department, Authority or Service	**eServices Reference**	**Dated**
Ausgrid	Response Ausgrid Referral	1 December 2014

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

4. **Self Contained Accommodation**
Nothing in this consent shall authorise the use of the Self Contained Accommodation, as detailed and marked on the approved plans, as a secondary dwelling.

A Secondary Dwelling is defined as:

"development for the purposes of a secondary dwelling includes the following:

(a) the erection of, or alterations or additions to, a secondary dwelling,
(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.
Note.
The standard instrument defines secondary dwelling as follows:

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 (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
(c) is located within, or is attached to, or is separate from, the principal dwelling."

(development is defined by State Environmental Planning Policy (Affordable Rental Housing) 2009)

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. (DACPLB03)

5. **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)

6. **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.

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

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

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

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan Contribution based on a total development cost of $ 4,337,000		
Contributions	**Levy Rate**	**Payable**
Total Section 94A Levy	0.95%	$ 41,202
Section 94A Planning and Administration	0.05%	$ 2,169
Total	1%	$ 43,370

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

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

8. **Bonds**
Security Bond

A bond (determined from cost of works) of $10,000 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.

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.

9. **Security Bond**
A bond (determined from cost of works) of $10,000.00 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.

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

10. **Overland flow mitigation works**
Civil engineering plans detailing works required for the diversion of 1 in 100 year ARI overland flow through the development site to be generally in accordance with Flood Study prepared by ACOR Consultants Pty Ltd (Project No GO140638) drawing no D1 to D6 Issue A, dated 24.04.15. A minimum freeboard of 500mm must be provided between the 1 in 100 year ARI water surface level and finished retaining flood wall proposed for the development in accordance with the flood study. Landscape plan and Architectural plans for the dwelling must be amended to suit the flood wall.

Detailed civil engineering plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

A Construction Certificate for the above system is to be issued by C15 Accredited Certifier registered with the Building Profession Board and is to submitted to the Certifying Authority prior to the issue any Construction Certificate.

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

Reason: To ensure appropriate protection to the development from overland flow inundation. (DACENC08)

11. **Vehicle Crossings Application Formwork Inspection**
An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and 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)

12. **Vehicle Driveway Gradients**
Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility and must comply with AS2890.1. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

13. **Acid Sulfate Management Plan**
Prior to the issue of the construction certificate, an Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

Reason: To protect the environment and private & public infrastructure (DACHPCPCC1)

14. **Acid Sulfate Soils Management Plan**
An Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

Council is to confirm the assessment by notice in writing to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Reason: Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.(DACHPCPCC5)

15. **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 indicated for removal on the approved plans.
(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)

16. **Coastal Hazards**
The proposed development is to be piled in accordance with the coastal engineering advice by Haskoning Australia dated 10 October 2014. Specifically:

- the portion of the development (excluding the pool) seaward of the “conventional foundations setback line” identified in the Coastal Zone Management Plan for Collaroy-Narrabeen Beach is founded on piles extending into the very stiff clay. The piles are to be designed to maintain the structural integrity of the proposed development assuming that scour (coastal erosion) could occur down to -1m AHD (that is, the piles would extend below -1m AHD).
- the pool is founded on piles. The piles are designed to maintain the structural integrity of the pool assuming that scour (coastal erosion) could occur down to 0m AHD (that is, the piles would extend below 0m AHD).

For both the main structure and the pool, the piles must be designed to support the loads of the structure and other conventional structural actions, plus wave impact loading, debris loading, and loading from a collapsing sand dune during or following storm erosion in accordance with the report by Geomarine (1991) titled "Narrabeen-Collaroy Fishermans Beach, Criteria for the Siting and Design of Foundations for Residential Development", Geomarine Report No. 69021R02, in association with Coffey Partners International, for Warringah Shire Council.

Details demonstrating compliance with this requirement are to be prepared by a suitably qualified engineer and submitted to the certifying authority for approval prior to issue of the construction certificate.

Reason: To avoid damage from coastal hazards (DACNECPCC1)

17. **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)

18. **External Colours and Materials (Dwellings)**
The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

19. **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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

20. **Public Liability Insurance - Works on Public Land**
Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of $20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Vehicle Crossings**
The provision of Normal Standard vehicle crossing 3.5 metres wide in accordance with Warringah Council Drawing No A4-3330/1 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

22. **Layback Construction**
A layback 3.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

23. **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)

24. **Traffic Control During Road Works**
Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

25. **Aboriginal Heritage**
Works must immediately stop should human remains be uncovered. In the event that human remains or are uncovered, works must cease and the NSW Police must be contacted.

Reason: Protection of Aboriginal Heritage (DACHEEDW1)

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

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

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

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

Reason: Protection of Trees. (DACLAE03)

27. **Installation and Maintenance of Sediment Control**
Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

28. **Reinstatement of Kerb**
All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

29. **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)

30. **Overland flow mitigation works compliance certification**
Upon completion of the storwater overland flow mitigation works, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved overland flow mitigation works plan are to be provided to Council.

A Compliance Certificate for the above works is to be issued by C15 Accredited certifier registered with the Building Profession Board stating that the works are in accordance with the approved plans and must submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure flood protection measures are constructed to Council’s satisfaction (DACENFPOC2)

31. **Restriction as to User Overland Flow Path**
A restriction as to user shall be created on the title over the area affected by the 100 year ARI

storm flow path in order to:-

1. Prohibit the alteration of the final overland flow path shape.
2. Prohibit the erection of a structure (including fencing) in the overland flow path without written permission by Warringah Council.

The terms of such restriction are to be prepared in the above terms by the applicant solicitor/surveyor, 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 restriction.

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

Reason: To ensure no modification to the overland flow path occurs without Council's approval> (DACENFPOC3)

32. **Acid Sulfate Soils Management Certification**
Prior to the issue of the Occupation Certificate, written certification from a suitably qualified person(s) must be submitted to the Principal Certifying Authority and Warringah Council, stating that all the works, methods, procedures, control measures, and recommendations in the Acid Sulfate Soils Management Plan have been undertaken.

Reason: To ensure compliance with standards.(DACHPFPOC2)

33. **Required Planting**
The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	**Species**	**Location**	**Pot Size**
All trees	As indicated on Landscape Plan Dwg No. DA-L01 dated 13.11.14 prepared by Trish Dobson	As indicated on the Landscape Plan	As indicated on the Landscape Plan

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

Reason: To maintain environmental amenity. (DACLAF01)

34. **Removal of All Temporary Structures/Material and Construction Rubbish**
Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

35. **Consolidation of Lots or Restrictive Covenant**
Lot 4 and Lot 5 in DP 6952 must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

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

Reason: To ensure development is not constructed over property boundaries. (DACPLF02)

36. **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)

37. **Swimming Pool Requirements**
The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

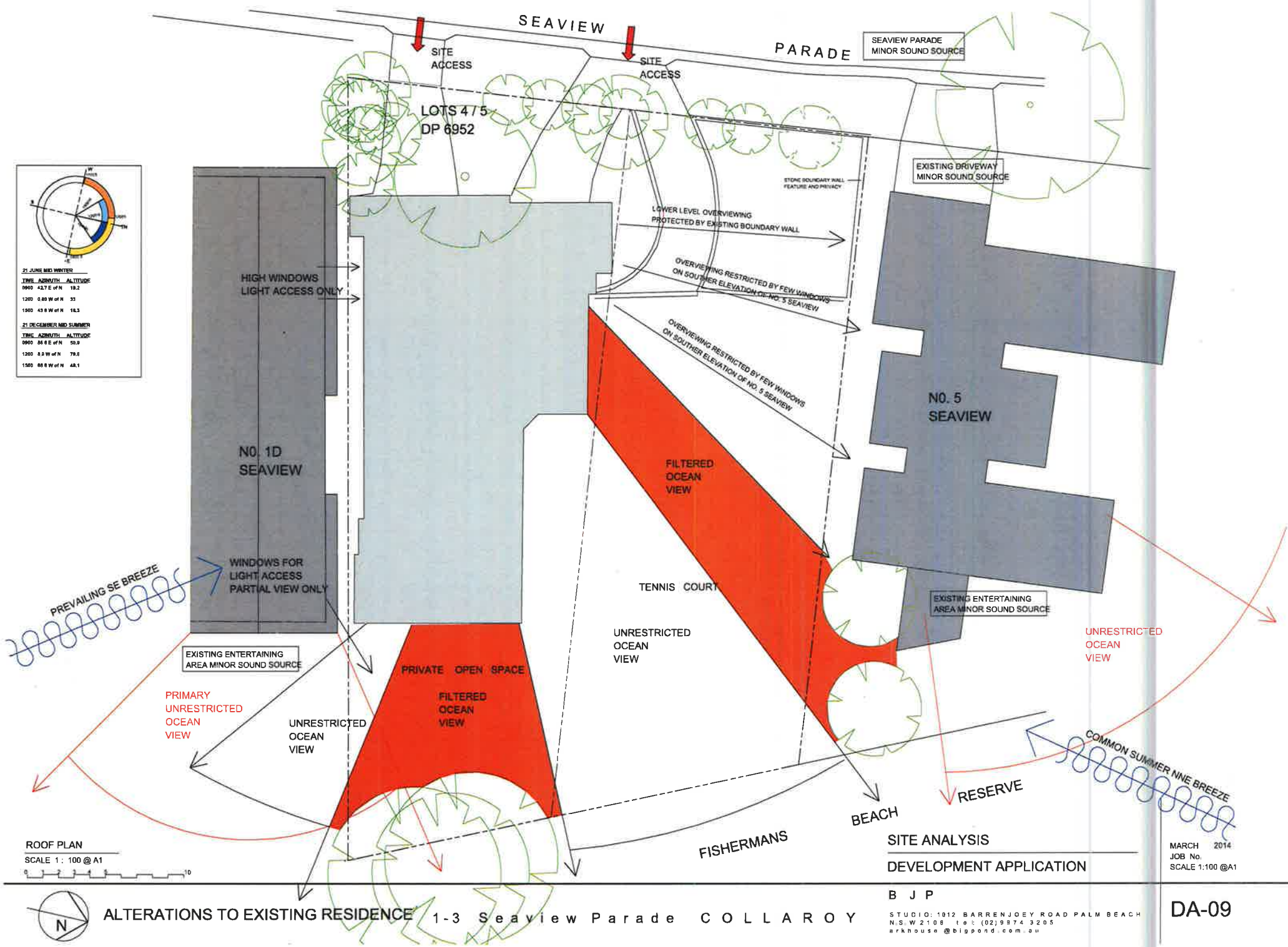
(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life (DACPLF09)



ROOF PLAN
SCALE 1 : 100 @ A1

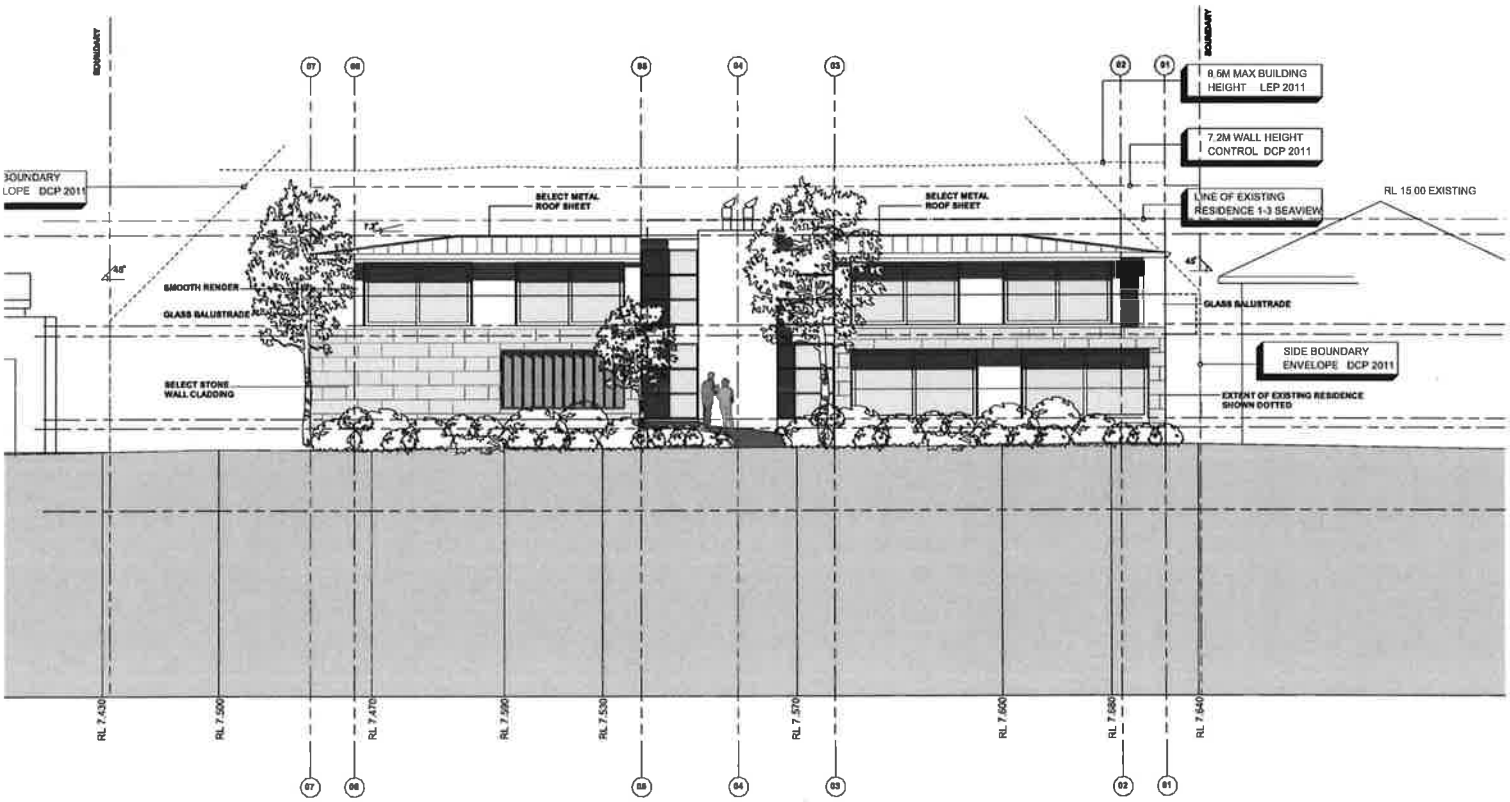
SITE ANALYSIS
DEVELOPMENT APPLICATION

MARCH 2014
JOB No.
SCALE 1:100 @A1

ALTERATIONS TO EXISTING RESIDENCE 1-3 Seaview Parade COLLAROY

B J P
STUDIO: 1012 BARRENJOEY ROAD PALM BEACH
N.S.W 2108 tel: (02)9974 3205
arkhouse@bigpond.com.au

DA-09



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ELEVATIONS AND SEC

DEVELOPMENT APPLI

B J P

3 RESIDENCE 1-3 Seaview Parade COLLAROY

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