AGENDA

DEVELOPMENT DETERMINATION PANEL MEETING

Notice is hereby given that a Meeting of the Development Determination Panel will be held in the Flannel Flower Room

WEDNESDAY 15 NOVEMBER 2017

Ashleigh Sherry
Manager Business System and Administration

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Agenda for a Meeting of the Development Determination Panel to be held on Wednesday 15 November 2017 in the Flannel Flower Room, Northern Beaches Council, Dee Why

1.0 APOLOGIES & DECLARATIONS OF PECUNIARY INTEREST

2.0 MINUTES OF PREVIOUS MEETING

2.1 Minutes of Development Determination Panel held 1 November 2017

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS 2

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3.2 36 Collaroy Street Collaroy - Demolition works and construction of a dwelling house 26

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 1 NOVEMBER 2017

RECOMMENDATION

That the Panel note that the Minutes of the Development Determination Panel held 1 November 2017 were approved by all Panel Members and have been posted on Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

ITEM 3.1	**3 FLORENCE AVENUE COLLAROY - MODIFICATION OF CONSENT TO DA2015/0393 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE AND SWIMMING POOL**
REPORTING MANAGER	**Anna Williams**
TRIM FILE REF	**2017/440515**
ATTACHMENTS	**1 ⇩Assessment Report** **2 ⇩Site and Elevation Plans**

PURPOSE

To refer the attached application for determination as required under adopted delegations of the Charter

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RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant approval Modification Application No. Mod2017/0173 for Modification of Consent to DA2015/0393 granted for demolition works and construction of a dwelling house and swimming pool on land at Lot 12 DP 6952,3 Florence Avenue, COLLAROY, subject to the conditions outlined in the report.

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REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 15 November 2017

3 Florence Avenue Collaroy - Modification of Consent to DA2015/0393 granted for demolition works and construction of a dwelling house and swimming pool

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2017/0173

Responsible Officer:	David Auster
Land to be developed (Address):	Lot 12 DP 6952, 3 Florence Avenue COLLAROY NSW 2097
Proposed Development:	Modification of Consent to DA2015/0393 granted for demolition works and construction of a dwelling house and swimming pool
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Martin Anthony O'Brien
Applicant:	Martin Anthony O'Brien

Application lodged:	29/06/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	06/07/2017 to 24/07/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	1
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and

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Assessment Act 1979 and the associated Regulations. In this regard:

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - 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 12 DP 6952 , 3 Florence Avenue COLLAROY NSW 2097
Detailed Site Description:	The site is located on the southern side of Florence Avenue. It is regular in shape, with a width of 15.24m, a depth of 42.72m, and a surveyed area of 695.6sqm. It slopes down from rear to front, with the slope mostly confined to the southern end of the site, before flattening out towards the northern (front) end. The development approved under DA2015/0393 is currently under construction on site. Surrounding development generally consists of detached dwellings, and a residential flat building to the rear.

Map:

SITE HISTORY

DA2015/0393 was approved by the Council on 16 September 2015, and involved demolition works and construction of a dwelling house and swimming pool.

The application was determined by the Application Determination Panel.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves various amendments to the approved plans as follows:

Roof:

- Pitch of roof (upper level) lowered from 18 degrees to 16 degrees. The overall ridge height does not change, but the pitching points are raised by 200mm.

Ground Floor:

- Garage western wall moved 290mm closer to western side boundary (1.85m setback from boundary).
- Eastern Guest room wall moved 55mm closer to eastern side boundary (1.55m setback).
- Eastern Games room wall moved 50mm closer to eastern side boundary (1.55m setback).
- Eastern wall to subfloor/garden equipment room moved 190mm closer to eastern side boundary (2m setback).
- Western wall to subfloor/garden equpment room moved 145mm further away from western side boundary (2.19m setback).

First Floor:

- Western Kitchen wall moved 95mm closer to western side boundary (1.55m from boundary).
- Eastern Bedroom 04 and Bathroom 04 wall and rear deck moved 205mm closer to eastern side boundary (2m setback)
- Eastern Bedroom 02 and Bedroom 03 moved 265mm away from the eastern side boundary (1.55m setback).

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- Stairs to upper level reconfigured internally, windows to stairs made smaller.
- Western wall to Bedroom 05 and bathroom 06 moved 145mm further away from boundary (2m setback)
- Eastern edge of northern deck moved 25mm away from eastern boundary to match guest room wall below (1.55m setback).

Upper level:

- New 1m wide deck to master bedroom, facing to the north (front) of the site.
- Deletion of east facing window.
- Operable screen provided to western end of deck.
- West facing ensuite window deleted, remaining window frosted.
- Eastern wall Bedroom 01 moved 255mm closer to eastern side boundary (3.5m setback).
- Western wall to ensuite and walk in robe moved 115mm away from western side boundary (3.69m setback)

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 C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are: The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2015/0393, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	**Comments**
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	**Yes** The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially	The development, as proposed, has been found to be such that Council is satisfied that the

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Section 96(1A) - Other Modifications	Comments
the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	proposed works are substantially the same as those already approved under DA2015/0393.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on submissions in this report.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of 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) –	Division 8A of the EP&A Regulation 2000 requires the consent

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Section 79C 'Matters for Consideration'	Comments
Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original 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. 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 in the original 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 in the original consent. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original 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	See discussion on submissions in this report.

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Section 79C 'Matters for Consideration'	Comments
submissions made in accordance with the EPA Act or EPA Regs	
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 1 submission/s from:

Name:	Address:
Mrs Esther Valerie Moon	C/- E Miller 12 Dulwich Road ROSEVILLE NSW 2069

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

- Views
- Unclear plans
- Modifications not minor
- Privacy
- Side setbacks
- New upper level deck

The matters raised within the submissions are addressed as follows:

- Views
  Comment: Concerns were raised by the owner of the upper level unit in the residential flat building to the rear of the site regarding impacts on views. This issue is discussed in detail under clause D7 Views in this report. In summary, the modifications are minor in nature, and do not significantly alter the view impact compared to the original approval. The submission is not supported in this respect.

- Unclear plans
  Comment:
  Concerns were raised by the eastern neighbours that the plans were unclear and hard to understand due to the clouding showing the proposed modifications being incomplete, and the internal floor plans not being available for viewing on the Council website making it impossible to understand the proposed changes. A site visit was conducted to both the subject site and the eastern neighbour's property. The internal floor plans were viewed and discussed at this meeting, and it was noted that the modified (slightly increased) setback of the front first floor deck was not clouded on the plans. Also, the RLs of the building were not indicated on the plans. The objectors requested that the applicants be required to provide a

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survey of all building works to date, prior to determination of this modification application.

The applicant provided amended elevations indicating the RLs, but did not provide a survey of the works to date. A survey of works to date would not normally be required whether or not the proposed modifications have been constructed or not (which is not unusual). The proposed modifications are generally minor in nature, and the plans provided with RLs are considered satisfactory to show all necessary dimensions and provide a reasonable level of certainty. Additionally, the proposed new side setbacks, (partly increased and partly decreased) remain well above the minimum 900mm side setback requirement on the site. Given that the proposed modifications have generally already been constructed, an assessment of the impacts of those modifications is certainly possible without a survey being carried out.

Given the above considerations, the request to have all works surveyed prior to approval is not supported. The plans provided are considered to be sufficiently clear to make a full and proper assessment.

- Modifications not minor
  Comment:
  Concerns were raised that the modifications were not minor in nature. The application involves various modifications to the built form, as described in the Description of Works section of this report. The proposed changes to the building both increase and decrease the previously approved setbacks. However, these changes are no more than 290mm at greatest (western garage wall), and are generally smaller modifications than this. All previously approved rooms and elements of the development remain in approximately the same location, with the addition of a small deck to the upper level master bedroom being the biggest (though still minor) alteration to the plans. The overall shape and location of the approved dwelling has not been significantly altered. Nor have the environmental impacts of the building or general relationship to neighbours been significantly altered.

  Given these considerations, the proposed modifications are considered to be minor in nature, and the submission is not supported in this regard.

- Privacy
  Comment:
  Concerns were raised by the eastern neighbour regarding impacts on privacy. In particular, concerns were raised regarding the front and rear decks on the First floor level, and the new upper level master bedroom deck.

  Overall, the modifications at first floor level mean that the windows of Bed 4 and the rear deck located off this bedroom will be 205mm closer to the side boundary, the windows of Bed 2 and Bed 3 (in the middle of the dwelling) will be 265mm further away from the side boundary, and the front deck of the main living area will be 25mm further away from the side boundary. At the upper level, the east facing master bedroom windows will be 205mm closer to the side boundary, with the most northerly window deleted and replaced by a solid wall. The new master bedroom deck will face to the front.

  The new upper level deck off the master bedroom is 1m in width, and given it's size and location, is unlikely to receive a high level of use. The site inspection included standing on the deck, which has already been constructed, and the view towards sensitive parts of the eastern neighbour's property is for the most part screened by the eastern wall, and the line of

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the first floor roof. The privacy impacts from this new deck are minimal given the screening and likely usage level, and are not considered to be unreasonable.

The rear deck and bedroom are 205mm closer to the side boundary than previously approved. The eastern neighbours requested that a privacy screen or higher screen planting be required to increase privacy from this rear deck towards their rear private open space. The applicant was not in favor of this as there are ocean views to the east available from the rear deck, and stated that if required to provide a privacy screen they would simply construct the deck on the originally approved setback. Given the minor nature of the change to the setbacks, and the fact that this deck is located off bedrooms and therefore likely to receive a relatively low level of usage, no privacy screen is recommended. The proposed modifications do not significantly alter the impacts of the development.

The front first floor deck is proposed to have an increased setback of 25mm. This deck was objected to by the eastern neighbours in the original development application due to the privacy impacts. The report for the application noted that this deck would provide for direct and close views into the eastern neighbour's kitchen and open plan primary living area, and recommended that a privacy screen be required by condition of consent *"along the eastern side of the deck, up to 6.5m from the front boundary, to be constructed of vertical blades set at 45 degrees to allow views towards the ocean to the north east, but block direct eastern views into the neighbouring kitchen window."*

The application was considered and determined by the Application Determination Panel. The applicants submitted to the panel that a privacy screen was unnecessary due to the deck being for occasional use, and that the eastern neighbours already had a sliding external privacy screen installed on their kitchen window (the window impacted upon by the deck), and that the deck was intended to maximise ocean views to the north east. The dwellings along the southern side of Florence Avenue are generally all designed to take advantage of the views to the ocean to the north east. The Panel considered the applicant request, and decided that under the circumstances, the privacy screen should not be required on the eastern side of the front deck. The condition was not therefore included in the notice of determination.

As part of the current modification application, a site inspection was again carried out by the assessing officer, and now that the deck in question has been constructed, it is still assessed to provide direct and close views into the eastern neighbour's kitchen and open plan primary living area. Given that the deck in question is located off the primary internal living area, and is therefore likely to have a relatively high level of usage, it is still considered that a privacy screen as described in the original report should be required on this deck - i.e. a screen with angled vertical blades allowing views towards the north east, constructed along the southern part of the eastern edge of the deck (to 6.5m from the front boundary). The eastern neighbour has also stated that the sliding external screen on the kitchen window is a 'sun screen', not a 'privacy screen' (thereby including slightly larger gaps in the screen than a conventional privacy screen might).

The current modification application does not significantly alter the relationship between the deck and the neighbouring kitchen window as has previously been considered by the Panel, (just slightly increasing the setback by a negligible 25mm). However, as discussed above, the deck is not considered to maintain a reasonable level of privacy, and it is recommended that the panel reconsider the condition for a privacy screen. The condition forms part of the recommendation of this report.

Overall, the proposed modifications make minor changes to the side setbacks of some

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windows and the rear deck, and increase setbacks of some other windows, with a very slight increase to the setback of the front deck. The new upper level master bedroom deck will not have any significant or unreasonable privacy impacts. The overall impact on privacy of the proposed modifications is not considered to be significantly altered from the previous approval, and as a result no other conditions are recommended in this regard.

- Side setbacks
  Comment: The eastern neighbours raised concerns with the side setbacks in general in terms of bulk and scale, as well as the impacts on privacy. The privacy impacts have been discussed above. In terms of bulk and scale, the overall shape and size of the dwelling is not significantly altered by the modifications, and the side setbacks are increased in some places as well as decreased in others. All side setbacks remain significantly greater than the minimum requirement of 900mm, generally being 1.55m (at the front) and 2m (at the rear) for the main bulk of the eastern walls, with other variations to the setbacks that break up the different elements of the dwelling. In general, given the level of compliance with the side setback control, and that the walls are well broken up through varied side setbacks, the submission is not supported in this regard.

- New upper level deck
  Comment: Concerns were raised with respect to the new upper level deck in general. However these objections related mainly to privacy and as a result of not having access to the internal floor plans to understand the exact location, size and shape of the deck. The objectors stated at the on site meeting that this deck was no longer a primary concern. The site inspection carried out, which included standing on the deck, and at various locations on the eastern neighbour's property, revealed that the deck does not result in any unreasonable privacy impacts, visual or auditory, or any other unreasonable environmental impacts. The submission is not supported in this regard.

MEDIATION

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

REFERRALS

No referrals were sent in relation to this application

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)

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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 (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.35m	No change	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.4 Development on sloping land	Yes

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Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	7.85m	8.05m	No
B3 Side Boundary Envelope	East 4m	Breaches up to 800mm	Upper level breach up to 1.25m Compliance increased at first floor level.	No
	West 4m	Complies	Complies	Yes
B5 Side Boundary Setbacks	East 0.9m	1.225m	1.225m	Yes
	West 0.9m	1.645m	1.55m	Yes
B7 Front Boundary Setbacks	6.5m	5.535m	No change	Yes (no new non-compliance)
B9 Rear Boundary Setbacks	6m	8.535m	No change	Yes
D1 Landscaped Open Space and Bushland Setting	40%	40.3%	No change	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
All other land under 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
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
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
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposed wall height has been raised from the previously approved 7.85m to 8.05m at the northern end of the upper level.

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:
  The element that does not comply is situated at towards the rear of the dwelling, and will not be readily visible from any public area. The 200mm increase in height of the wall will not significantly alter the overall size and scale of the dwelling, and makes a very minor visual difference when viewed from adjoining properties compared to the original approval. The overall height of the building does not change, and the development is considered acceptable in this regard.

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

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Comment:
The proposal will remain generally beneath the tree canopy level.

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

  Comment:

  This issue is assessed in detail under clause D7 Views in this report. In summary, the proposed increase in wall height makes a negligible difference to the view loss caused by the original approval, and the development is considered to maintain a reasonable sharing of views.

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

  Comment:

  The proposed modifications are minor in nature, and the 200mm increase to the height of the wall will not make a significant or unreasonable difference to the impacts of the development on adjoining properties.

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

  Comment:

  The proposed modifications do not involve any change to excavation. The proposed upper level located towards the rear will still enable the building to step down to the north in accordance with the topography.

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

  Comment:
  The increase in non-compliance of the wall height means that the pitch of the roof has been lowered (the overall height remains the same). However, it will still remain a standard shaped roof, in keeping with other buildings in the surrounding area.

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

The proposal will increase the non-compliance with the building envelope at the north eastern corner of the upper level from approximately 800mm up to approximately 1.25m. At the first floor level the previous non-compliance of approximately 300mm in the area of Bed 2 and Bed 3 now almost complies due to the increased side setback of 265mm. The chimney and wall to the north of the chimney remain unchanged.

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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 previously approved non-compliance on the eastern side of the upper level has been exacerbated by the wall height increasing by 200mm, and the eastern upper level wall moving 250mm closer to the boundary. The upper level is situated to the rear of the dwelling, and the non-compliance will not significantly impact on any public area. The main visual impact is on the eastern neighbour. The dwelling is high from their point of view, due to the slope of the land, but the increase in non-compliance is due to only a small increase in height, combined with a small decrease in the setback to the boundary. The overall visual impact of the proposal will not greatly change, despite the breach of the side boundary envelope changing more significantly due to the combination of these factors. The eastern wall of the upper level will remain 3.5m from the side boundary, and step in from the lower level as wall height increases, as required by the Building Bulk control. Overall, the modifications are minor, and the overall change to the visual impact compared to the original approval is also considered to be minor. The proposal is considered to achieve this objective.

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

  Comment:
  The proposal is on a north/south orientation, as as such does not overshadow any neighbor for more time than is required by clause D6 Access to Sunlight. The minor changes to the height and setback will not cause significant or unreasonable additional impacts to light and solar access. The decreased setback to the upper level means that some of the east facing windows on this level are partly outside the side boundary envelope. However, the most northerly window, which was furthest outside the envelope has been deleted from the plans, and the internal reconfiguration to place a stairwell in the north eastern corner of the bedroom means the northern most windows (which are partly outside the envelope, will not be readily used for viewing downwards towards the neighbours property.

  The other windows continue to result in some overlooking, but the use of the room remains a (relatively low use) bedroom, and the minor reduction in size of the setback does not significantly alter the privacy impacts of the development.

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

  Comment:
  The proposed exacerbation of the non-compliance is partly as a result of moving the upper level further down the slope to the east. However, the upper level continues to be setback further than the level below, providing a stepping in accordance with the topography. The minor modifications do not cause the development to become unreasonably unresponsive to the topography compared to the original approval.

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

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proposal is supported, in this particular circumstance.

D7 Views

Merit consideration

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:

  Concerns were raised regarding view loss from unit 5, at 7 Ocean Grove to the rear of the subject site. The views affected are water views. The view encompasses Narrabeen Beach and Headland, and the headlands further to the North. The part of the view to be affected from Unit 5 is across the subject site and between the
  existing dwellings at 6 and 8 Florence Avenue. The part affected by the modifications is only a very small part of the overall view, is a small part of extra water compared to the original approval, due to the raised wall height and lowered pitch of the roof.

  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:

  The views are obtained across the rear boundary, and are both sitting and standing views from bedrooms, a bedroom deck, and a living room deck.

  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*

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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:

The overall ridge height of the development remains unchanged. The wall height has been increased by 200mm, and the pitch of the upper level roof reduced, so that the roof line will take away a small amount of extra water view on each side of the dwelling, but will not impact on any of the most significant features of the view such as the headlands to the north. This small amount of extra view disruption does not have any significant impact on the view as a whole (compared to the original approval), and the proposed view loss caused by the modifications is considered to be negligible in the context of these principles.

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:

The overall height of the roof is unchanged and remains compliant with the 8.5m building height limit. As discussed in this report, the proposed modifications exacerbate the previously approved breaches to the side boundary envelope and wall height controls. However, the extra view loss caused as a result is very minor, and considered negligible in the context of these principles. The extra non-compliances caused by the modifications are not considered to result in unreasonable view loss given the comparison to the existing approval.

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

Comment:

Given that the development is considered to result in a reasonable sharing of views, the proposal is considered to be sufficiently innovative.

- *To ensure existing canopy trees have priority over views.*

Comment:

No canopy trees are proposed for removal.

Having regard to the above assessment, it is concluded that the proposed development is consistent

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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.

D8 Privacy

See discussion under Submissions section of this report. The proposed modifications are generally minor, and do not significantly alter the existing approved privacy relationship between neighbours. However, as discussed in the submissions section, a privacy screen was previously recommended for the front first floor deck, but decided against by the Application Determination Panel.

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

Section 94 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP

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- 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 approval Modification Application No. Mod2017/0173 for Modification of Consent to DA2015/0393 granted for demolition works and construction of a dwelling house and swimming pool on land at Lot 12 DP 6952,3 Florence Avenue, COLLAROY, subject to the conditions printed below:

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

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	**Dated**	**Prepared By**
02 Issue D	Jun 2017	Gartner Trova
03 Issue D	Jun 2017	Gartner Trova
04 Issue D	Jun 2017	Gartner Trova
05 Issue E	Sept 2017	Gartner Trova
06 Issue E	Sept 2017	Gartner Trova
07 Issue D	Jun 2017	Gartner Trova

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

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

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

B. Add Condition to read as follows:

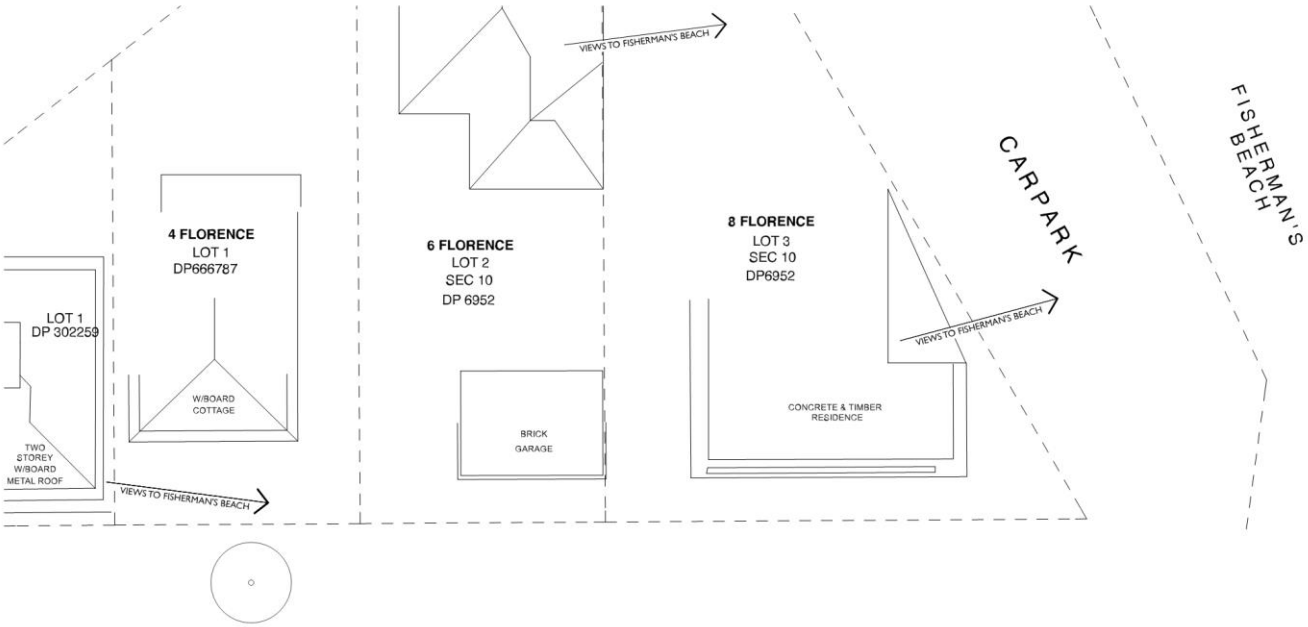
23. Privacy Screen
A 1.8 metre privacy screen (measured from finished floor level) is to be erected on the outermost eastern edge of the deck located off the first floor living room as shown on the approved plans. The screen is to extend from the northern end of the eastern wall of the living room to the 6.5m front setback line shown on the approved plans.

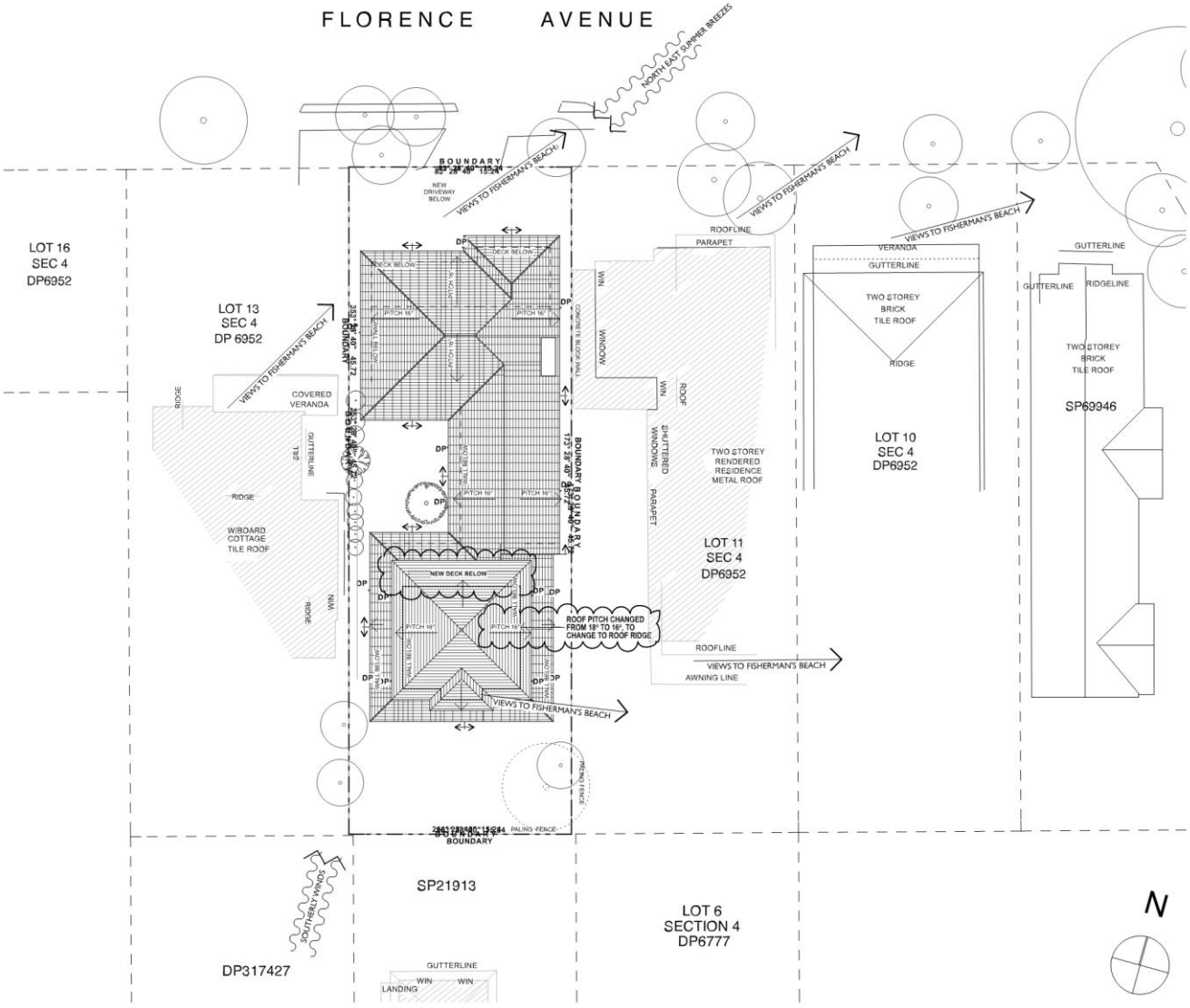
The privacy screen shall be of vertical fixed panels or louver style construction (with a maximum

spacing of 20mm), in materials that complement the design of the approved development. The vertical blades must be angled at 45 degrees to allow views towards the ocean to the north east, but to block views directly to the east towards the eastern neighbour.

The screen must be installed prior to the issue of the Occupation Certificate.

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)





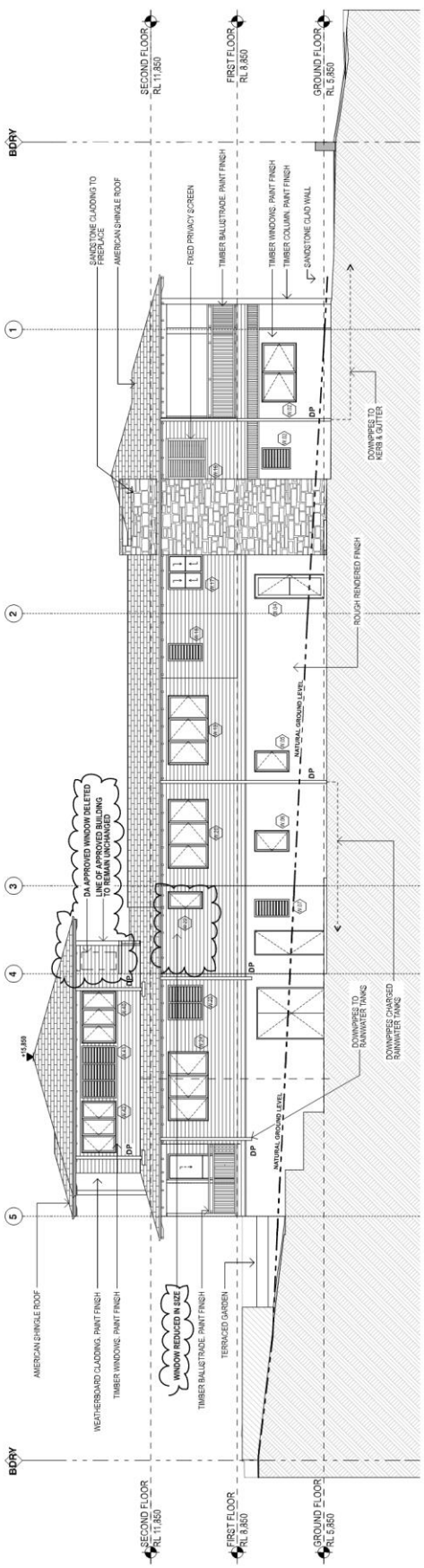
Date	Issue	Description
May 2015	A	Development Application Submission
July 2015	B	Fixed privacy screen added
Apr 2016	C	CONSTRUCTION CERTIFICATE ISSUE
Jun 2017	D	SECTION 96 SUBMISSION

The builder shall check and verify all dimensions and verify all errors and omissions to the Architect. Do not scale the drawings. Drawings shall not be used for construction purposes until issued by the Architect for construction.

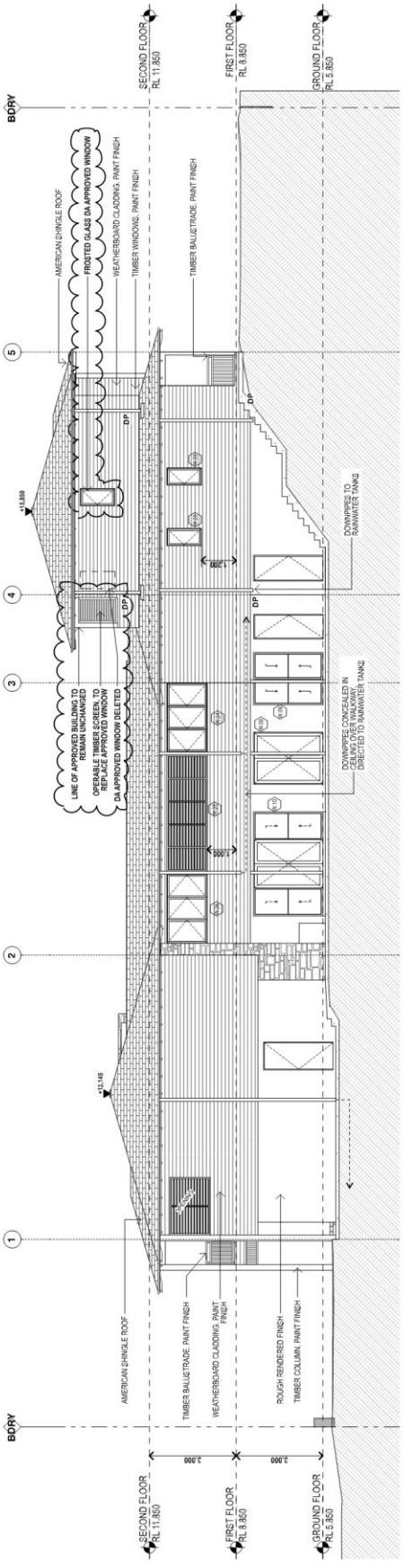
GARTNERTROVATO ARCHITECTS
A 47/90 MONA VALE ROAD PO BOX 1122 MONA VALE, NSW 2103
P 1612 9979 4411 F 1612 9979 4422
E GTA@GT.COM.AU

Project :	O'BRIEN HOUSE 3 FLORENCE AVENUE - LOT 12 SEC 4, DP 6952	Drawn/Designed : SG/NS	Date : JUN 2017
Client :	MR AND MRS O'BRIEN	Project Number : 1415	Scale : AS SHOWN @ (A2)
Drawing :	SECTION 96 SITE PLAN / SITE ANALYSIS PLAN	Drawing No. : 02	Issue : D

Plot Date: 29/06/2017



1 EAST ELEVATION 1:100



2 WEST ELEVATION 1:100

Plot Date: 27/09/2017

Date :	Issue :	Description :
May 2015	A	Development Application Submission
July 2015	B	Fixed privacy screen added
Apr 2016	C	CONSTRUCTION CERTIFICATE ISSUE
Jun 2017	D	SECTION 96 SUBMISSION
SEPT 2017	E	MAX RIDGE HEIGHTS ADDED

The builder shall check and verify all dimensions and verify all errors and omissions to the Architect. Do not scale the drawings. Drawings shall not be used for construction purposes until issued by the Architect for construction.

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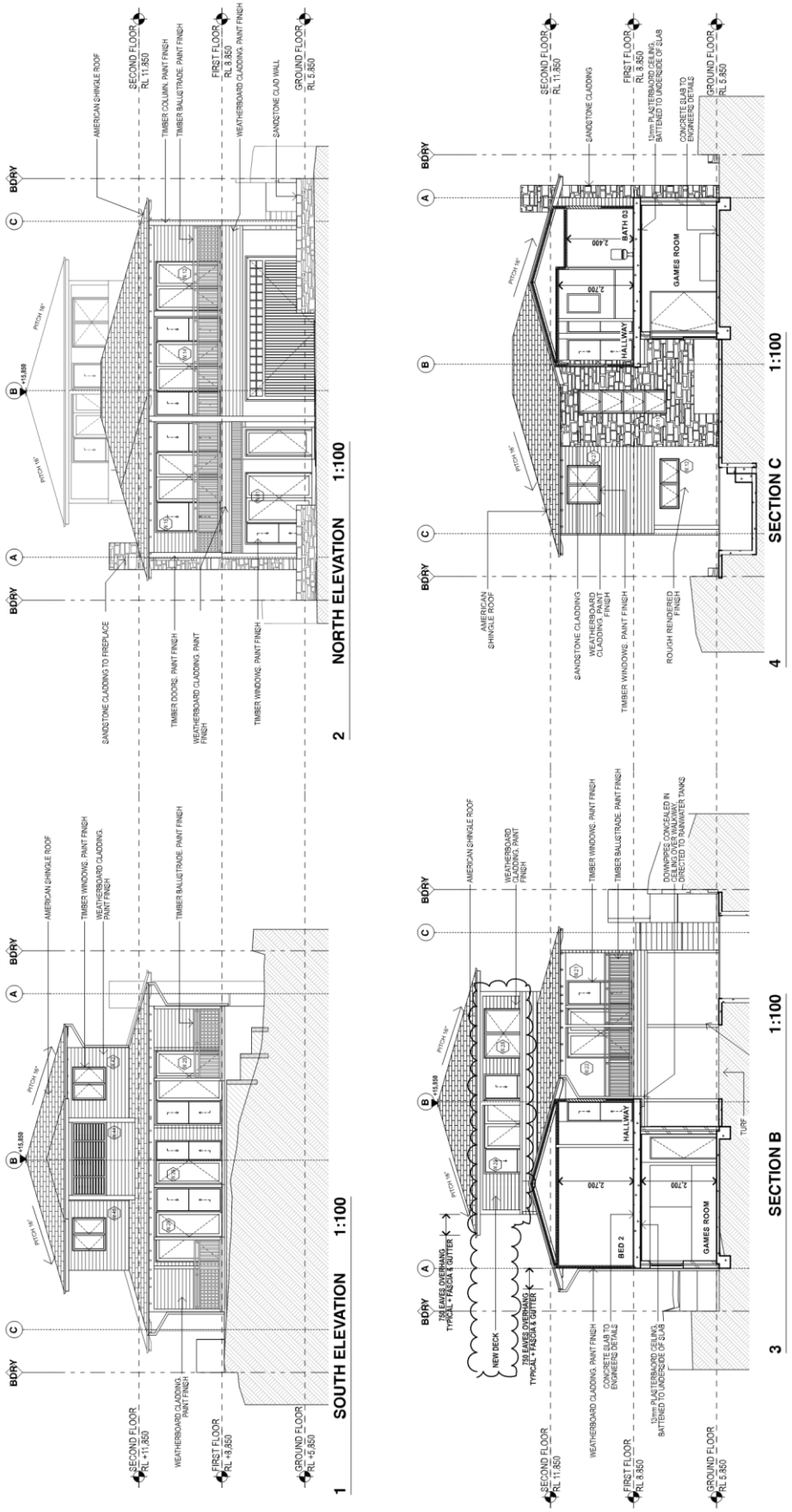
F 1613 9979 4422
E STA@GT.COM.AU

Project : O'BRIEN HOUSE 3 FLORENCE AVENUE - LOT 12 SEC 4, DP 6952	Drawn/Designed : SG/NS	Date : JUN 2017
Client : MR AND MRS O'BRIEN	Project Number : 1415	Scale : AS SHOWN @ (A2)
Drawing : SECTION 96 ELEVATIONS	Drawing No. : 05	Issue : E



Date :	Issue :	Description :
May 2015	A	Development Application Submission
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Jun 2017	D	SECTION 96 SUBMISSION
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The builder shall check and verify all dimensions and verify all errors and omissions to the Architect. Do not scale the drawings. Drawings shall not be used for construction purposes until issued by the Architect for construction.

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Project : O'BRIEN HOUSE
3 FLORENCE AVENUE - LOT 12 SEC 4, DP 6952
Client : MR AND MRS O'BRIEN
Drawing : SECTION 96 ELEVATIONS

Drawn/Designed : SG/NS
Project Number : 1415
Drawing No. : 06
Date : JUN 2017
Scale : AS SHOWN @ (A2)
Issue : E

Plot Date: 27/09/2017

ITEM 3.2	**36 COLLAROY STREET COLLAROY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE**
REPORTING MANAGER	**Rod Piggott**
TRIM FILE REF	**2017/440547**
ATTACHMENTS	**1 ⇩Assessment Report**
	2 ⇩Site and Elevation Plans

PURPOSE

To refer the attached application for determination as required under adopted delegations of the Charter

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant Development Consent to DA2017/0821 for Demolition works and construction of a dwelling house on land at Lot 1 DP 837707, 36 Collaroy Street, COLLAROY, subject to the conditions outlined in this report.

REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 15 November 2017

36 Collaroy Street Collaroy - Demolition works and construction of a dwelling house

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0821

Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 1 DP 837707, 36 Collaroy Street COLLAROY NSW 2097
Proposed Development:	Demolition works and construction of a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Determination Panel
Land and Environment Court Action:	No
Owner:	David John Cutliffe
Applicant:	Poole J Architects

Application lodged:	21/08/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	22/08/2017 to 07/09/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	3
Recommendation:	Approval

Estimated Cost of Works:	$ 1,570,000.00

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 6.2 Earthworks
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - C9 Waste Management
Warringah Development Control Plan - D7 Views
Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 1 DP 837707 , 36 Collaroy Street COLLAROY NSW 2097
Detailed Site Description:	The site is located on the southern side of Collaroy Street, Collaroy and is located upon land zoned for R2 Low Density Residential development. The allotment is regular is shape and has a surveyed area of 331.9m^2 comprised of a 12.19m frontage and 27.2m depths. Presently the site accommodates a single storey fibro cottage located towards the rear of the site and on the upper reaches of the hill. The site does not yet have a formalised driveway crossing or driveway. Surrounding developments consist of other detached dwellings of varying age, size and construction. The general residential theme consists of older style brick cottages that have been renovated, or larger multi-level luxury dwellings. Directly east of the subject site is a Council owned pathway measuring 3.66m in width that runs from Collaroy Street south to Alexander Street.

	The site is located approximately 350m west of Collaroy Beach. Topographically the site is located on a relatively steep slope which is identified as Landslip Area D and E (the most severe landslip categories) as per the WLEP 2011. Between the street guttering and the front boundary of the site the natural topography of the slope rises by approximately 2.5m via a consistent slope. Excavation of this land has been undertaken on other surrounding sites to enable driveway access to the site, and the works are generally complemented by stairs or a ramp on Council's Road Reserve. The topography of the site from north to south (front to rear) experiences a rise of 8.23m via a consistent slope. The site has one mature tree in the front yard and several other shrubs. Two mature trees are present in the Road Reserve in front of the site which overhangs Collaroy Street. Additionally, there is some vegetation running parallel to the site along the public pathway to the east.

Map:

SITE HISTORY

Development Application No. 2006/0016
Application for shared driveway access and the construction of double car parking spaces.

The application was reliant upon a separate development application at no. 38 Collaroy Street which

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appeared to be for the construction of a new dwelling house, shared driveway (between nos. 36, 38 and 40 Collaroy Street) and car parking.

The application was approved on 21 December 2006 but was not enacted upon and accordingly, has lapsed.

At present, nos. 36, 38 and 40 Collaroy Street do not have driveways or vehicular access. It is noted that there are several other properties on the southern side of Collaroy Street which do not have driveways.

Development Application No. 2016/1367

Council wrote to the Applicant on 24 March 2017 and outlined several concerns with the application which resulted in Council being unable to support the application in its current form.

The application was subsequently withdrawn on 30 March 2017.

PROPOSED DEVELOPMENT IN DETAIL

The development application is for demolition works, excavation and the construction of a new four storey dwelling house.

The existing cottage on site is proposed to be demolished and approximately 590m^3 of soil and rock is to be excavated for the lower two levels of the dwelling. Additionally, the site presently does not have a driveway crossing or driveway and this application seeks to construct driveway access to the site requiring excavation and the construction of staircases on Council's Road Reserve.

The dwelling is split over four levels and accommodates 3/4 parking spaces, 4/5 bedrooms, 3 bathrooms and 3 balconies.

The proposed design is comprised of numerous external facade materials and incorporates a clerestorey roof form which is topped with solar panels.

The BASIX Report and Certificate which accompany the development application and the general design of the dwelling indicate that the proposal has been designed to maximise energy efficiency and to enhance the sustainability credentials of the site.

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 C.

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	None applicable.

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Section 79C 'Matters for Consideration'	Comments
draft environmental planning instrument	
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. 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. 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. 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. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 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) **Environmental Impact** The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) **Social Impact** The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) **Economic Impact** The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.
As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Andrew Mckee	39 Collaroy Street COLLAROY NSW 2097
Mr David Alexander Gavagna	34 Collaroy Street COLLAROY NSW 2097
Mr Simon Gibbons	38 Collaroy Street COLLAROY NSW 2097

Character and Compatibility with the area
Concern was raised that the dwelling is 'not in-keeping' with other dwellings in the street and that building materials are 'vastly inconsistent' with other dwellings in the street.
The development is for the construction of a dwelling house on a constrained allotment. The existing topography of the land and the small size of the allotment require the footprint of the dwelling to be pushed up rather than out, resulting in a four storey building.

Despite the scale of the building, the proposal has sufficient architectural merit to ensure that the development will meet the zone objectives and be suitable to the low density character of Collaroy Street. Additionally, it is noted that there are several newly constructed/approved dwellings along Collaroy Street which are of a similar scale (i.e. four storeys).

Therefore, given consistency with the streetscape and surrounding development, this matter does not warrant the refusal of the application.

Geotechnical and Landslip
Concern was raised from neighbouring properties about the level of excavation proposed and the potential impacts upon adjoining properties.
The development application is accompanied by a Geotechnical Report and has been reviewed by Council's Development Engineers.

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Subject to enforcement of the conditions in the Geotechnical Report, additional conditions and good building practices, this matter does not warrant the refusal of the application. Additionally, the recommendation of this report requires a dilapidation assessment of surrounding properties to be undertaken and report.

Safety and Traffic/Construction Management

Concern was raised about the construction management, particularly the number of trucks required to remove excavation materials, noting the steepness of Collaroy Street.

The development application has been reviewed by Council's Traffic Engineers and Development Engineers whom have appropriately conditioned the consent to ensure that construction works will not have a detrimental impact on local traffic and accessibility within the area.

Additionally, conditions have been included in this consent which require safe and appropriate construction practices to be implemented at all times.

Concern was raised in submissions about the hours of excavation, and requesting respite periods from excavation on the weekend mornings. A condition has been recommended which restricts excavation works on both Saturday and Sunday in order to provide a satisfactory respite period to neigbouring property owners.

Tree Preservation

Proposed tree removal and landscape assessment has been undertaken by Council's Landscape Assessment Officer whom has raised no objections to the proposal, subject to a number of conditions as included in the recommendation of this report.

Privacy (Visual and Acoustic)

Concern has been raised about visual privacy from the proposed decks, and acoustic privacy impacts resultant from the lift shaft.

The upper floor deck has been unclear to notified neighbours as to its size. Upon clarification with the architect it was noted that the deck is approximately 1.8m by 4.47m and it located off of a library. Given the small scale of this deck and the adjoining road reserve footpath along the eastern boundary of the site, it is considered that the deck will not give rise to unreasonable privacy impacts.

Further, the other two decks (one on each lower level) are located a reasonable distance from side boundaries and are not of a scale which would warrant them to be primary entertaining decks. Additionally, these decks are located at the front of the property and will not cause direct overlooking into the adjoining properties private open space.

Concerns regarding the acoustic impact of the lift shaft is noted. The structure is located 900mm from the property boundary and lifts are a permitted form of development (ancillary to a dwelling house) and accordingly, any noise generated by the liftshaft is considered to be consistent with the general noise that could be generated within the R2 zone.

Details regarding the finish of the lift shaft can be determined at Construction Certificate phase.

Accordingly, these matters do not warrant the refusal of the application.

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MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	*The proposed development does not require OSD and connection of stormwater to the kerb in Collaroy St is satisfactory. The proposed driveway has been assessed and is also satisfactory. The works will require the construction of stairs in the nature strip which will require a Roads Act application for approval which is conditioned. All recommendations for the proposed excavation by the Geotechnical Engineer must be included in the approval. The proposal must be assessed by Council's Traffic Engineer's to consider the traffic management requirements for the construction of the dwelling with regard to the existing sign posting.* *No objection to approval, subject to conditions as recommended.* **Planner Comment** Accordingly, the development application was referred to Council's Traffic Engineers whom raised no objection to the proposal, as per their comments below.
Landscape Officer	*No objections subject to conditions as recommended.*
Traffic Engineer	*Council Traffic Engineers do not raise any objections to the development application, subject to approval from Council's Development Engineers and the provision of a Traffic Management Plan as per the conditions recommended.*

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	The NSW Rural Fire Service (RFS) was notified of this development application as the site is upon land identified as bushfire prone land. The RFS has determined that their previous referral response to DA2016/1367 (as discussed elsewhere in this report) remains applicable with no additional conditions. Accordingly, the previous referral response (being ID: 105622/99176/5) is

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External Referral Body	Comments
	endorsed via condition no. 1 of the recommendations of this report.

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 (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 785503S_02 dated 4 August 2017).

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

Commitment	Required Target	Proposed
Water	40	56
Thermal Comfort	Pass	Pass
Energy	40	97

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

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application for modification of consent) for any development carried out:

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

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

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	7.0m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development to:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and

(b) to allow earthworks of a minor nature without requiring separate development consent.

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In this regard, before granting development consent for earthworks, Council must consider the following matters:

Clause 6.2 - 'Matters for Consideration'	Comments
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality	The application has been accompanied by a Geotechnical Report and by Council's Development Engineers whom have determined that the works proposed will not have any unreasonable or detrimental impact upon existing drainage patterns and soil stability.
(b) the effect of the proposed development on the likely future use or redevelopment of the land	The dwelling house is designed to be sustainable in longevity and is therefore anticipated to remain on the site for an extended period of time. The development does not render the future redevelopment of the land impossible or undesirable.
(c) the quality of the fill or the soil to be excavated, or both	There is minimal fill provided with this proposal. Fill and excavated materials are to be disposed of appropriately in accordance with the waste management plan and relevant Australian Standards.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties	The development will not give rise to any unreasonable nor detrimental impacts upon the amenity of adjoining properties.
(e) the source of any fill material and the destination of any excavated material	This matter can be resolved via Waste Management conditions.
(f) the likelihood of disturbing relics	There are no known relics in the area.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area	The development is not considered to give rise to any detrimental or adverse impacts upon existing watercourses, drinking water catchments or other environmentally sensitive areas.

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.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.9m	-	Yes
B3 Side Boundary Envelope	East - 4.0m	Encroachment at a height of 0.8m and for a length of 3.1m	Up to 20%	No
	West - 4.0m	Encroachment at a height of 1.1m and for a length of 6.6m	Up to 27.5%	No
B5 Side Boundary Setbacks	East - 0.9m	2.1m	-	Yes

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	West - 0.9m	0.91m - 1.85m	-	Yes
B7 Front Boundary Setbacks	6.5m	6.5m - 8m	-	Yes
B9 Rear Boundary Setbacks	6m	6m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.3% (134m^2)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	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	No	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
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Portions of the proposed development encroach the 4.0m side boundary envelope which applies to the site. The encroachments are:

East - encroachment at a height of 0.8m and for a length of 3.1m, equating to a 20% variation; and
West - encroachment at a height of 1.1m and for a length of 6.6m, equating to a 27.5% variation.

The encroachments proposed are generally restricted to the upper portions of the upper level walls.

NOTE:
The clerestorey roof form is centrally located within the footprint of the building and accordingly, the associated structure does not encroach the side boundary envelope.
It should be noted that the roof form is north-facing, is fitted with photovoltaic cells and has been angled to this degree to maximise the efficiency and environmental sustainability of the dwelling in longevity.

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 side boundary envelope encroachments are limited to the upper portions of the topmost floor of the building and are considered to be relaitively minor compared to surrounding developments on similarly sloping allotments. The development is beneath the maximum building height, and greater than required side setbacks and has numerous facade finishes throughout. Accordingly, the development is considered not to be visually dominant, excessively bulky or exceedingly high.

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

  Comment: The development does not give rise to any unreasonable amenity impacts upon surrounding and nearby buildings.

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

  Comment: The development does require a large amount of excavation, around the quantum of 550m^3+ of soil and rock. Notwithstanding this, Requirement 1 of the B3 control requires that the

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envelope be taken from ground level (existing) and therefore any proposed excavation into the topography of the site does not alter the level of compliance achieved with the side boundary envelope control.

Despite this, the level of excavation is considered to be acceptable in this circumstance and the proposed dwelling adequately responds to the constraints and attributes of the site.

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

C9 Waste Management

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

D7 Views

Given the natural topography of the land and many surrounding developments maximising their views by building at the highest point of their site, the development is not considered to unreasonably obstruct any existing views.

The predominant views are to the east and north and consist of Collaroy and Narrabeen Beach and the ocean beyond. The sites also obtain views of Narrabeen Headland, Warriewood Headland and other distance headlands to the north. The subject site has views of the Narrabeen Lagoon entrance which is located approximately 3.2kms to the north.

The proposed design utilises excavation to reduce the height of the building and to minimise disruption of surrounding views.

The existing dwelling on site achieves a maximum roof ridge RL of 37.69 and the proposed dwelling has a roof RL of RL 39.162 and the clerestorey roof elements is RL 40.42. The height of the proposed dwelling is generally (except for the clerestorey element) 1.472m higher than the existing roof ride of the dwelling.

Additionally, the architectural plans demonstrate the height of buildings to the south on Alexander Street and how they will maintain views over the top of the subject dwelling and, given the large side setbacks compared to the existing minimal side setbacks will improve view corridors down the eastern and western edges of the site.

Accordingly, the development is considered to preserve a reasonable provision of view sharing from surrounding properties.

D8 Privacy

The proposed dwelling is considered to provide a satisfactory level of visual and acoustic privacy for neighbouring dwellings given the design of the building, spatial separation and the topography of the land.

Both the eastern and western facades of the development have minimal windows and, where they are

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present, have been treated with external timber louvers to provide both shade and privacy for occupants.

The development has three balconies at RL30.302, RL33.202 and RL36.462.
Concern was raised during the public exhibition period of this application regarding the upper floor balcony at RL36.462, as it was not clear on the plans. It is since been clarified that this balcony is only 1.8m by 4.47m and is accessible only from a library and stairwell. The height of this balcony and the setbacks it is subject to (being 4.93m to the west and 2.14m to the east) will not unreasonably overlook any adjoining private open spaces.

An assessment on the other two balconies at RL30.302 and RL33.202 has noted that there will be no unreasonable overlooking of adjoining properties, particularly no. 38 Collaroy Street to the west. No. 38 has a deck at the front of the property at RL 34.40 located approximately 1.2m from the boundary, thus creating a spatial separation of 3.42m and a height difference of 1.38m (with no. 38 being the higher).

The provision of side setbacks in the order of 1.2m to the west and 2.1m to the east, coupled with the existing 3.66m pathway to the south, equate to an adequate spatial separation between buildings to contribute to an improved provision of privacy.

Concern was raised in regards to the potential for noise generated by the proposed lift, however this is considered to be a matter to be dealt with at Construction Certificate phase and additionally, the noise is not considered to be greater than that of the noise generated in a general residential area.

Accordingly, it is considered that the development will provide a satisfactory provision of privacy in accordance with clause D8 of the DCP.

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 $ 1,570,000		
Contributions	**Levy Rate**	**Payable**
Total Section 94A Levy	0.95%	$ 14,915
Section 94A Planning and Administration	0.05%	$ 785

Total	1%	$ 15,700

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

The determination of the development application is required to be made by the Northern Beaches Council Development Determination Panel (DDP) as:

- *the cost of construction is greater than one million dollars and has three unresolved objections.*

The application is for the demolition works, excavation works and the construction of a large, contemporary dwelling. The proposal is compliant with all relevant Principal Development Standards and built form controls with the exception of the side boundary envelope control. The encroachment into the side boundary envelope is considered acceptable given the negligible environmental and amenity impacts that arise as a result of it.

The level of excavation proposed is considered acceptable given the topography of the land and the prevalence of significant excavation works throughout the streetscape. If excavation works were not to be approved, an alternative design would be required to sit atop of the natural ground level which would create significant impacts upon the amenity of adjoining properties, by virtue of scale, view loss and privacy impacts.

The works proposed within Council's Road Reserve are required to enable level access into the subject site, similar to the works recently constructed at the adjoining property to the east. Whilst this excavation is

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significant and warrants the removal of several trees, it is considered reasonable as it provides a level of amenity for occupants and reduces the reliance upon on-street car parking.

Additionally, as noted by Council's various referral bodies, the location and topography of the site may give rise to traffic implications during excavation works via the staging and turning of trucks to remove excavated materials. Accordingly, the recommendations of this report require a Traffic Management Plan to be produced as well as additional traffic control conditions. Further, a condition requiring the documentation of a Dilapidation Survey is considered warranted in this circumstance given the quantum of excavation works proposed.

In conclusion, the works proposed are considered suitable for the site and will not have any adverse or unreasonable implications upon adjoining properties, subject to conditions as recommended and good building and engineering practices.

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 DA2017/0821 for Demolition works and construction of a dwelling house on land at Lot 1 DP 837707, 36 Collaroy Street, 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**
A.00.05 Rev. B	21 July 2017	Poole.J & Associates Architects
A.01.00 Rev. B	21 July 2017	Poole.J & Associates Architects
A.01.01 Rev. B	21 July 2017	Poole.J & Associates Architects
A.01.02 Rev. B	21 July 2017	Poole.J & Associates Architects
A.01.03 Rev. B	21 July 2017	Poole.J & Associates Architects
A.02.00 Rev. B	21 July 2017	Poole.J & Associates Architects

A.02.01 Rev. B	21 July 2017	Poole.J & Associates Architects
A.02.02 Rev. B	21 July 2017	Poole.J & Associates Architects
A.03.00 Rev. B	21 July 2017	Poole.J & Associates Architects
A.03.01 Rev. B	21 July 2017	Poole.J & Associates Architects
A.03.02 Rev. B	21 July 2017	Poole.J & Associates Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
BASIX Certificate No. 785503S_02	4 August 2017	Poole.J Architects
Bushfire Protection Assessment	9 September 2017	Australian Bushfire Protection Planners Pty Ltd
Preliminary Geotechnical Assessment	August 2017	Martens Consulting Engineers

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

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

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

2. **Compliance with Other Department, Authority or Service Requirements**
The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	**EDMS Reference**	**Dated**
NSW Rural Fire Service	NSW RFS Referral Response	20 January 2017

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.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)

3. **Approved Land Use**

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

A dwelling house is defined as "a building containing only one dwelling".

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

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

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

4. **Prescribed Conditions**

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

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

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

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

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

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

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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(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)

5. **General Requirements**

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) 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.

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

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

(g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

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

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

i) Building/s that are to be erected

ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place

iii) Building/s that are to be demolished

iv) For any work/s that is to be carried out

v) For any work/s that is to be demolished

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

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

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

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

(i) Swimming Pools Act 1992

(ii) Swimming Pools Amendment Act 2009

(iii) Swimming Pools Regulation 2008

(iv) Australian Standard AS1926 Swimming Pool Safety

(v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

(vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for

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swimming pools.

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

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

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**
Northern Beaches Council 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:

Northern Beaches Council Section 94 Development Contributions Plan Contribution based on a total development cost of $ 1,570,000.00		
Contributions	**Levy Rate**	**Payable**
Total Section 94A Levy	0.95%	$ 14,915.00
Section 94A Planning and Administration	0.05%	$ 785.00
Total	1%	$ 15,700.00

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

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

7. **Security Bond**

A bond (determined from cost of works) of $10,000 and an inspection fee in accordance with

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Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

8. **Works Bonds**
Construction, Excavation and Associated Works Bond (Crossing/Kerb).
A Bond of $15,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

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

9. **Stormwater Disposal**
Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank in accordance with the BASIX certificate. Stormwater shall be conveyed from the site to the kerb in Collaroy St.

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

Reason: To ensure appropriate provision for disposal and stormwater management and compliance with the BASIX requirements, arising from the development. (DACENC07)

10. **Application for Works to be Approved within Council's Roadway**
An application for works to be approved within Councils roadway under Sections 138 & 139 of the Roads Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the driveway and stairs

within the frontage of the site which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. The plan shall be prepared by a qualified structural engineer. The design must include the following information:

1. A 5 metre wide vehicle crossing in accordance Northern Beaches Council Drawing No. A4-3330/2 NH and specification.

2. All public and private utility services are to be located on the plan and cross-section plan. All costs and approvals related to any relocation of utility service shall be borne by the applicant.

3. Any proposed remedial work on the road reserve shall be designed and included on the drawings.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

11. **Structural Adequacy and Excavation Work**
Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
(b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

12. **Shoring of Adjoining Property**
Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

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13. **Waste Management Plan**
A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

14. **Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
ii) All structures are to bridge tree roots greater than 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, with particular reference to Section 4 Tree Protection Measures.
iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause
E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

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

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

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

16. **External Finishes to Roof**
The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. 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.

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

17. **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)

18. **Dilapidation Survey**
A photographic survey of adjoining properties within 20m of the excavation perimeter detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Northern Beaches Council and an Principal Certifying Authority prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Northern Beaches Council and the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Northern Beaches Council / Private Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible).

Reason: Proper management of records ((DACPLCPCC1)

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CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. **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 Northern Beaches 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)

20. **Construction Traffic Management Plan**
A Construction Traffic Management Plan (CTMP) is to be provided to Council prior to commencing any site works . The CTMP is to ensure that the impact of the public domain, in particular with respect to the temporary interruption to vehicular and pedestrian traffic on the narrow street frontage with the exitsing No Stopping restriction are considered by the proponent. The CTMP must ensure that public safety is maintained at all times and interruption to the use of public space is minimised.

The CTMP is to include but not be limited to the following:
- Access to site for different stages of construction.
- Deliveries of materials to be undertaken within the site during construction
- All construction activity to be occurred within the site with no provision of Works Zone from Council
- Proposed truck routes and truck access to site

Reason: To ensure public safety and minimisation of the interruption to the use of public space (DACTRDPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. **Civil Works Supervision**
All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

22. **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)

23. **Notification of Inspections**
Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

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(a) Installation of Silt and Sediment control devices
(b) Prior to pouring stairs in road reserve
(c) Prior to pouring of concrete driveway in road reserve
(d) Prior to pouring of layback

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

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

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

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

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.

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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. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

28. **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 Council's 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.

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

29. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Pot Size
2	Tree species capable of attaining a minimum height of 4 metres at maturity	Front yard	200mm

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)

30. **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.

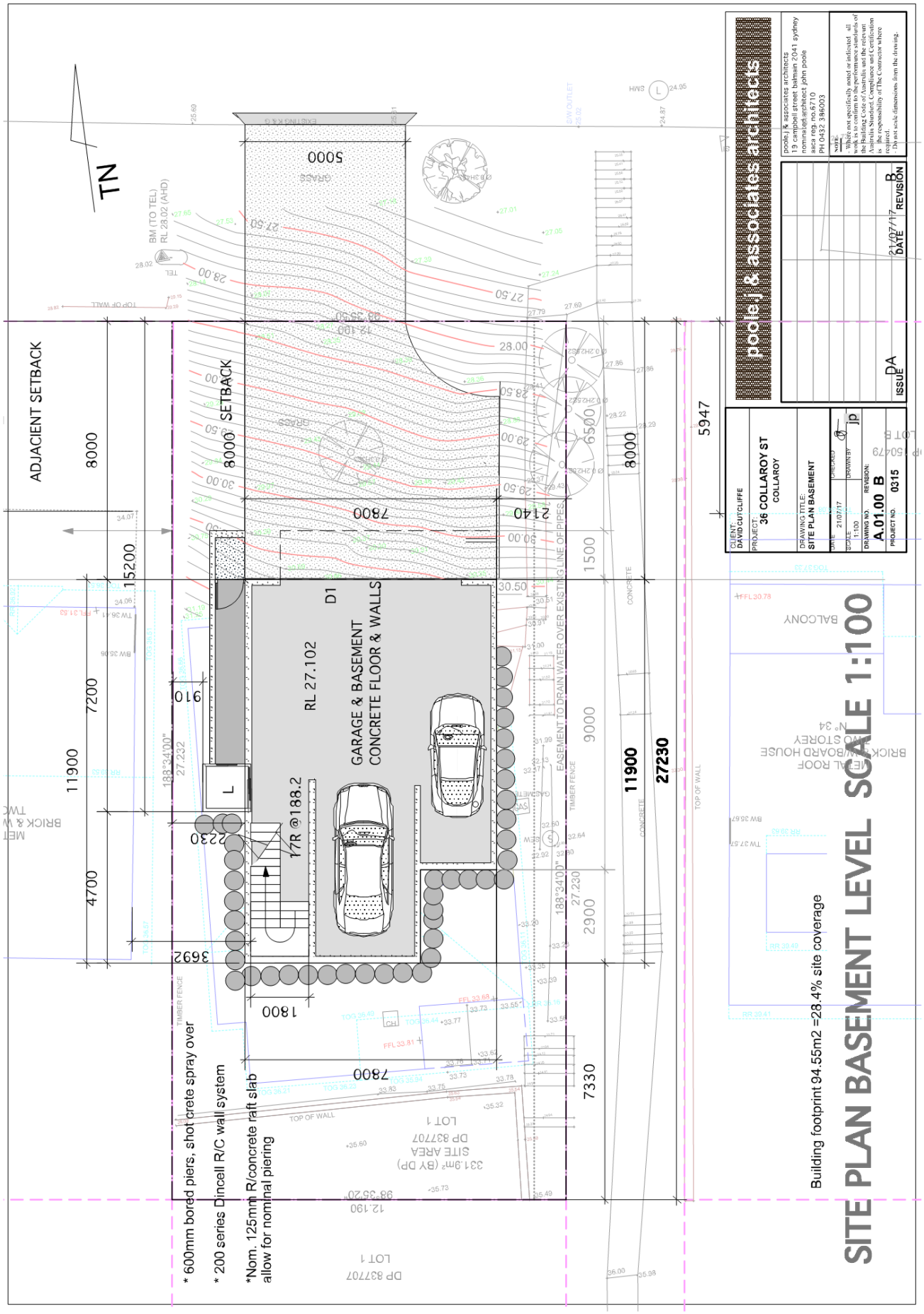
Reason: To ensure bushland management. (DACPLF01)

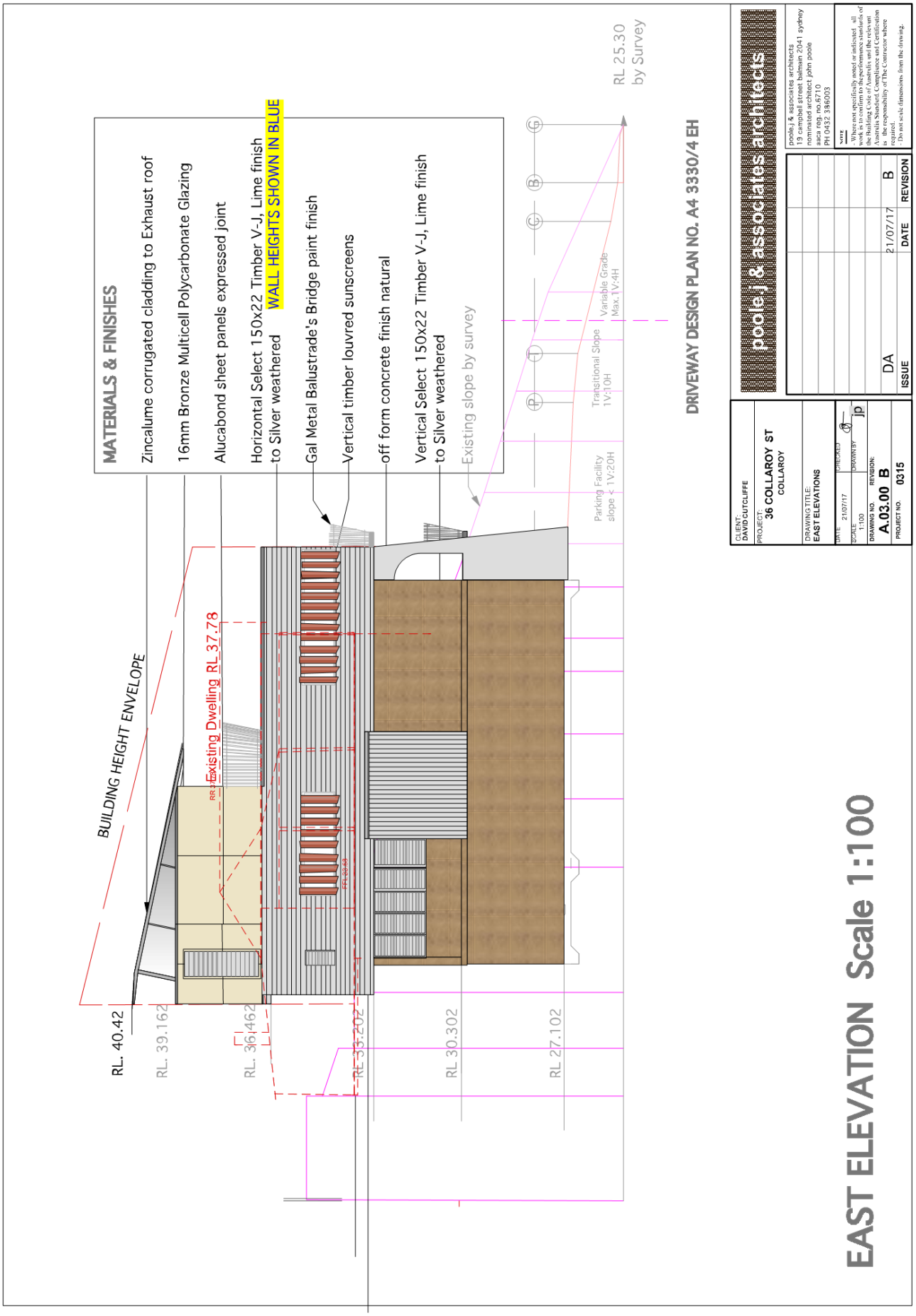
31. **Waste Management Confirmation**

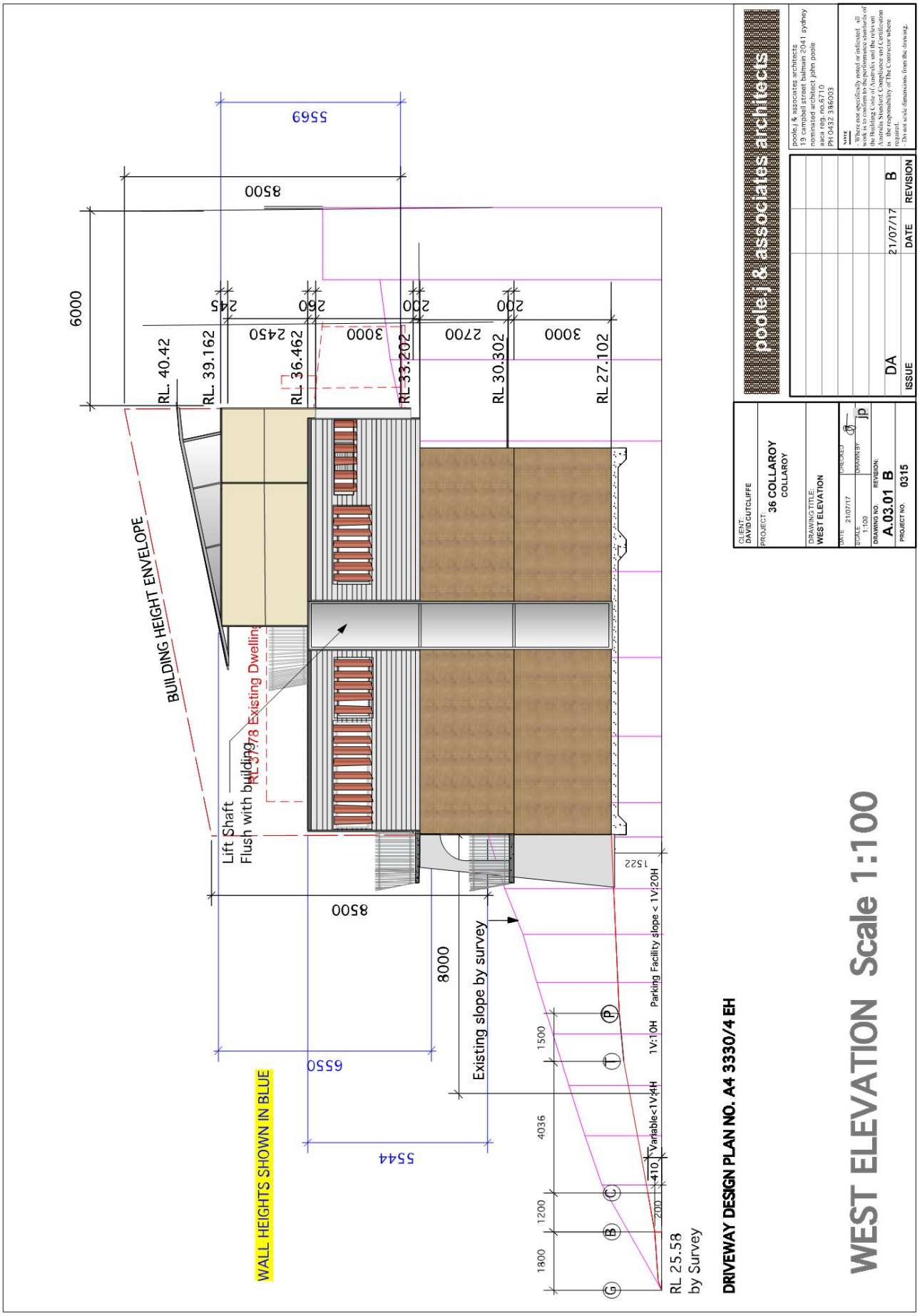
Prior to the issue of a Final Occupation Certificate, evidence / documentation must be

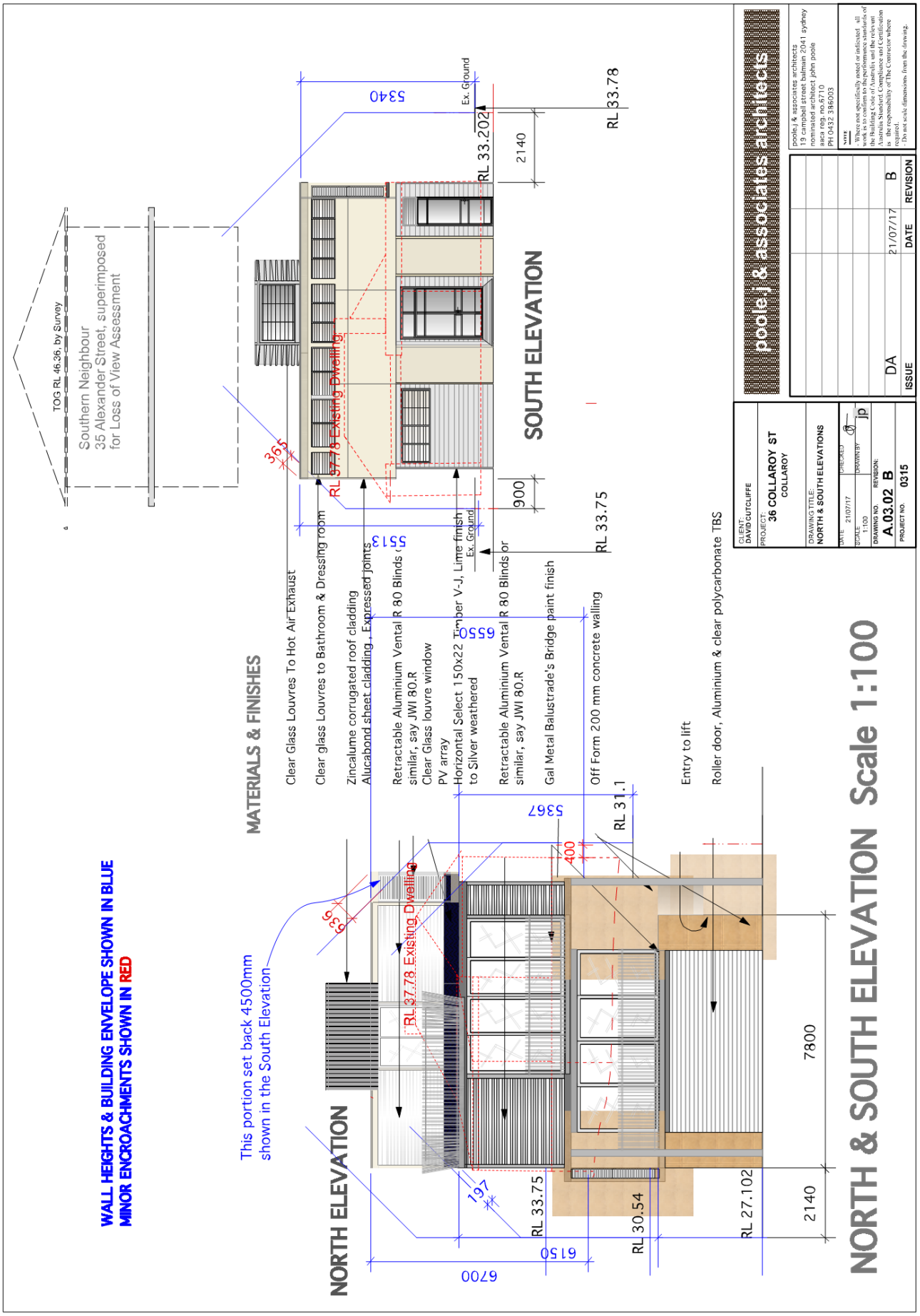
submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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


SITE PLAN BASEMENT LEVEL SCALE 1:100
Building footprint 94.55m2 =28.4% site coverage
* 600mm bored piers, shot crete spray over
* 200 series Dincell R/C wall system
*Nom. 125mm R/concrete raft slab allow for nominal piering
GARAGE & BASEMENT CONCRETE FLOOR & WALLS
RL 27.102
17R @188.2
D1
EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES
ADJACIENT SETBACK
8000 SETBACK
TN
BALCONY
poole j & associates architects
DA
B
21/07/17
36 COLLAROY ST
COLLAROY
SITE PLAN BASEMENT
A.01.00 B
0315


MATERIALS & FINISHES
Zincalume corrugated cladding to Exhaust roof
16mm Bronze Multicell Polycarbonate Glazing
Alucabond sheet panels expressed joint
Horizontal Select 150x22 Timber V-J, Lime finish to Silver weathered
WALL HEIGHTS SHOWN IN BLUE
Gal Metal Balustrade's Bridge paint finish
Vertical timber louvred sunscreens
off form concrete finish natural
Vertical Select 150x22 Timber V-J, Lime finish to Silver weathered
Existing slope by survey
BUILDING HEIGHT ENVELOPE
Existing Dwelling RL 37.78
RL. 40.42
RL. 39.162
RL. 36.462
RL 33.202
RL 30.302
RL 27.102
RL 25.30 by Survey
Variable Grade Max.1V:4H
Transitional Slope 1V:10H
Parking Facility slope ≤ 1V:20H
DRIVEWAY DESIGN PLAN NO. A4 3330/4 EH
EAST ELEVATION Scale 1:100
poole j & associates architects
CLIENT: DAVID CUTCLIFFE
PROJECT: 36 COLLAROY ST COLLAROY
DRAWING TITLE: EAST ELEVATIONS
DATE 21/07/17
SCALE 1:100
DRAWN BY jp
DRAWING NO. A.03.00
REVISION: B
PROJECT NO. 0315
ISSUE DA
DATE 21/07/17
REVISION B


5569
8500
6000
245
260
200
200
2450
3000
2700
3000
RL. 40.42
RL. 39.162
RL. 36.462
RL 33.202
RL 30.302
RL 27.102
BUILDING HEIGHT ENVELOPE
RL 37.78 Existing Dwelling
Lift Shaft
Flush with building
8500
1522
8000
Existing slope by survey
6550
5544
WALL HEIGHTS SHOWN IN BLUE
1500
4036
1200
1800
1V:10H Parking Facility slope < 1V:20H
Variable<1V:4H
410
200
RL 25.58
by Survey
DRIVEWAY DESIGN PLAN NO. A4 3330/4 EH
WEST ELEVATION Scale 1:100
CLIENT: DAVID CUTCLIFFE
PROJECT: 36 COLLAROY COLLAROY
DRAWING TITLE: WEST ELEVATION
DATE 21/07/17
SCALE 1:100
DRAWN BY jp
DRAWING NO. A.03.01
REVISION: B
PROJECT NO. 0315
poole j & associates architects
DA
ISSUE
21/07/17
DATE
B
REVISION
poole j & associates architects
19 campbell street balmain 2041 sydney
nominated architect: john poole
arb nsw reg no 6710
PH 0432 386003
NOTE
- Where not specifically noted or indicated, all work is to conform to the performance standards of the Building Code of Australia and Australian Standards. Compliance certification is the responsibility of The Contractor where required.
- Do not scale dimensions from the drawing.


WALL HEIGHTS & BUILDING ENVELOPE SHOWN IN BLUE
MINOR ENCROACHMENTS SHOWN IN RED
NORTH ELEVATION
This portion set back 4500mm shown in the South Elevation
RL 37.78 Existing Dwelling
RL 33.75
RL 30.54
RL 27.102
RL 31.1
6700
6150
197
400
5367
7800
2140
MATERIALS & FINISHES
Clear Glass Louvres To Hot Air Exhaust
Clear glass Louvres to Bathroom & Dressing room
Zincalume corrugated roof cladding
Alucabond sheet cladding , Expressed joints
Retractable Aluminium Vental R 80 Blinds , similar, say JWI 80.R
Clear Glass louvre window
PV array
Horizontal Select 150x22 Timber V-J, Lime finish to Silver weathered
Retractable Aluminium Vental R 80 Blinds or similar, say JWI 80.R
Gal Metal Balustrade's Bridge paint finish
Off Form 200 mm concrete walling
Entry to lift
Roller door, Aluminium & clear polycarbonate TBS
SOUTH ELEVATION
RL 33.78
RL 33.202
Ex. Ground
RL 33.75
5340
2140
900
6550
5513
365
TOG RL 46.36, by Survey
Southern Neighbour
35 Alexander Street, superimposed
for Loss of View Assessment
NORTH & SOUTH ELEVATION Scale 1:100
poole j & associates architects
CLIENT: DAVID CUTCLIFFE
PROJECT: 36 COLLAROY ST COLLAROY
DRAWING TITLE: NORTH & SOUTH ELEVATIONS
DATE 21/07/17
SCALE 1:100
DRAWN BY jp
DRAWING NO. A.03.02
REVISION: B
PROJECT NO. 0315
ISSUE DA
DATE 21/07/17
REVISION B

ITEM 3.3	**5 HAROLD AVENUE, SCOTLAND ISLAND – RECONSIDERATION APPLICATION FOR CONSTRUCTION OF A NEW TWO STOREY DWELLING**
REPORTING MANAGER	**Matthew Edmonds**
TRIM FILE REF	**2017/440673**
ATTACHMENTS	**1 ⇩Assessment Report** **2 ⇩Site and Elevation Plans**

PURPOSE

To refer the attached application for determination as required under adopted delegations of the Charter

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RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application relating to N0335/16 for a two storey dwelling at 5 Harold Avenue, Scotland Island subject to the conditions outlined in the report.

Development Determination Panel Report

SUBJECT:	**N0335/16/R – Reconsideration Application for construction of a new two storey dwelling at 5 HAROLD AVENUE, SCOTLAND ISLAND NSW 2105 (Lot 151, DP 1028258)**
Determination Level:	**Development Determination Panel**
SUMMARY OF RECOMMENDATION:	**CONSENT WITH CONDITIONS**
REPORT PREPARED BY:	Hugh Halliwell
APPLICATION SUBMITTED ON:	4 October 2017
APPLICATION SUBMITTED BY:	NINA & GEORGE ELIAS 12B KANDY AVENUE EPPING, NSW 2121
OWNER(S):	NINA ELIAS GEORGE ELIAS

1. INTRODUCTION

This assessment has been undertaken following the request for a review of the determination made in respect of Development Application N0003/15. This request has been made pursuant to s.82A of the *Environmental Planning and Assessment Act 1979*. N0335/16 sought consent for a new two storey dwelling at 5 Harold Avenue, Scotland Island and was refused by Council on 2 June 2017. N0335/16 was refused for the following reasons;

1. *Inconsistency between the architectural plans and amended arborist report regarding tree retention/removal.*
2. *The amended arborist report does not reference the stormwater management plan, proposed wastewater disposal facility, construction access, bushfire report or footings and proposed excavations.*
3. *A suitable method of legal and physical construction access has not been demonstrated having regard for the tree and bushland resources and natural features of the site and surrounds, noting the site contains Pittwater Spotted Gum Endangered Ecological Community.*
4. *The proposed excavations for the dwelling within the Tree Protection Zone and Structural Root Zones of adjacent Spotted Gum trees is inconsistent with the recommendations of the amended arborist report and would have a significant adverse impact upon Trees 1, 2, 3 and4.*

2. SITE DETAILS

The site is known as 5 Harold Avenue, Scotland Island and has a legal description of Lot 151 in Deposited Plan 1028258. The site is irregular in shape and has a total stated area of 2016m². Included in this calculation is a separate 30m^2 parcel of land located to the south at the waterfront. These two areas are connected by right of footway for pedestrian access located along the eastern side boundary of 3 Harold Avenue. The site contains a creek intersecting the property approximately half-way down the site and ultimately into the Pittwater waterway. The site has no vehicular access with pedestrian access gained via the primary and secondary frontages to Harold Avenue and Thompson Street.

The site is a corner allotment and located on the southern side of Thompson Street and eastern side of Harold Avenue. The site falls 17m from the northern boundary adjacent to Thompson Street, down towards the south-west corner of the site, with a slope of approximately 14.3%. The site is currently vacant with vegetation, including established canopy trees across the site. The property is surrounded by other residential properties. The property is also located within close proximity of Harold Reserve to the south-west and Bells Wharf providing pedestrian access to Scotland Island.

3. PROPOSED DEVELOPMENT

Development Application N0335/16 sought consent for the construction of a two storey dwelling, containing:

- Four (4) bedrooms;
- Outdoor alfresco at the ground floor level;
- Family room;
- Four (4) bathrooms, including en-suites;
- Balcony at the first floor;
- Study;

- Games room; and
- Dining/living and kitchen areas at the first floor level.

4. STATUTORY AND POLICY CONSIDERATIONS

The site is zoned E3 Environmental Management under the provisions of Pittwater Local Environmental Plan 2014 (PLEP 2014). Pursuant to the land use table in this instrument, the construction of a new dwelling is permissible with consent.

The following relevant state and local policies apply:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy 71 (Coastal Protection);
- Draft State Environmental Planning Policy (Coastal Management) 2016;
- Pittwater Local Environmental Plan 2014 (PLEP 2014);
    - Acid Sulphate Soils Map – Area 5;
    - Geotechnical Hazard H1;
    - Biodiversity Map;
    - Height of Buildings Map – 8.5m;
- Pittwater 21 Development Control Plan (P21 DCP);
    - Lower Western Foreshores and Scotland Island Locality;
    - Littoral Rainforest;
    - Pittwater Spotted Gum Forest;
    - Adjacent to river/stream/foreshore/coast;
    - Adjacent to estuarine wetlands;
    - Bushfire prone land;
    - Land within Risk to Life H3 and H3 Flood Category;
    - Land within Area 1 of Landscaped Area Map;
    - Scenic Protection Category 1

5. BACKGROUND

History of the Application

5 August 2016

Development Application N0335/16 was received at Council on 5 August 2016 and subsequently notified to adjoining property owners and referred to Council's Development Engineer, Natural Resources Officer, Reserves and Recreation Officer, Environmental Health Officer, Council's Flooding Officer, and NSW Rural Fire Service (NSW RFS), for comments and/or recommendations.

During the notification period, zero (0) submissions were received.
2 June 2016

The assessment of Development Application N0335/16 was finalised and determined on 2 June 2016 and the application was subsequently refused under the delegation of the Principal Officer (delegation formerly Pittwater Council), for the reasons identified in the introduction above.

29 May 2015

The subject reconsideration application was lodged at Council on 4 October 2017, and was subsequently referred to Council's Development Engineer, Natural Resources Officer, Reserves and Recreation Officer, Environmental Health Officer, Council's Flooding Officer, and NSW Rural Fire Service (NSW RFS), for comments and/or recommendations.

6. NOTIFICATION

The reconsideration application was notified to adjoining property owners for fourteen (14) days from 10 October through to 24 October 2017. However, the sign was not correctly erected in accordance with Council's policy.

During this time, zero (0) submissions were received from those notified property owners.

7. KEY ISSUES

Assessment of the subject reconsideration application has highlighted ongoing concerns and new concerns with regard to the following;

- Impacts on the natural environment;
- Height of buildings; and
- Access.

8. COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone E3 Environmental Management			Y	Y	Y
4.3 Height of buildings	8.5m	Height = 9.39m See discussion below.	N	Y	Y
4.6 Exceptions to development standards		See discussion below for assessment.	Y	Y	Y
5.5 Development within the coastal zone			Y	Y	Y
5.10 Heritage conservation			Y	Y	Y
7.1 Acid sulfate soils			Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.3 Flood planning			Y	Y	Y

Control	Standard	Proposal	T	O	N
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
A1.7 Considerations before consent is granted		See discussion below regarding construction access.	Y	Y	Y
A4.8 Lower Western Foreshores and Scotland Island Locality			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.2 Bushfire Hazard		The application is supported by a Bushfire Risk Assessment Report prepared by Building Code & Bushfire Hazard Solutions, dated 08/04/2016 and the applicant has submitted a Bushfire Risk Assessment Certificate. The report and certificate both identify that the subject site has a Bushfire Attack Level (BAL) rating of BAL-29. However, the bushfire certificate has also indicated that the proposal relies on alternate solutions. Referral to the NSW RFS is therefore required. Conditions requiring compliance with the recommendations from the NSW RFS letter will be imposed if development consent is granted.	Y	Y	Y
B3.11 Flood Prone Land			Y	Y	-
B3.13 Flood Hazard - Flood Emergency Response planning			Y	Y	-
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community		See discussion below for comments from Council's natural environment team.	Y	Y	Y
B4.16 Seagrass Conservation			Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.17 Littoral Rainforest - Endangered Ecological Community		See discussion below for comments from Council's natural environment team.	Y	Y	Y
B4.19 Estuarine Habitat			Y	Y	Y
B4.20 Protection of Estuarine Water Quality			Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.6 Rainwater Tanks - Water Supply			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.23 Eaves			Y	Y	Y
D8.1 Character as viewed from a public place		The development will be heavily screened from any adjoining public place.	Y	Y	Y
D8.3 Building colours and materials			Y	Y	Y
D8.5 Front building line			Y	Y	Y
D8.6 Side and rear building line			Y	Y	Y
D8.8 Building envelope			Y	Y	Y
D8.9 Landscaped Area			Y	Y	Y

Control	Standard	Proposal	T	O	N
D8.11 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D8.13 Stormwater overflow			Y	Y	Y
D8.14 Parking management			Y	Y	Y
D8.15 Site disturbance			Y	Y	Y
D8.16 Scenic Protection Category One Areas			Y	Y	Y
State Environmental Planning Policies and other					
SEPP No 71 - Coastal Protection			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
EPA Act 1979 No 203 section 147 Disclosure of political donations and gifts			Y	Y	Y

9. DISCUSSION

Building height

Clause 4.3 (PLEP 2014) Height of buildings, and Clause 4.6 Exceptions to development standards (PLEP 2014)

Due to the need to elevate the dwelling onto piers to reduce the extent of excavation and subsequent impacts on the structural root zones of nearby trees (reason for refusal under N0335/16), the dwelling now extends beyond the maximum permitted 8.5m height plane, pursuant to the Height of Buildings Map in PLEP 2014. The amended building height now measures a maximum 9.39m when measured from the existing ground level (EGL), resulting in a 10.5% variation to the building height standard.

The proposed development requires an assessment against Clause 4.6 of PLEP 2014. The application is supported by a Clause 4.6 statement prepared by the applicant.

The objectives of Clause 4.6 are as follows:

a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The Applicant's written request has sought variation to Clause 4.3 on the basis of two points:

a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has sought flexibility in applying clause 4.3 to the subject development, being a new dwelling with the relevant P21 DCP clauses. It is argued by the Applicant that the offending boatshed will meet all applicable P21 DCP clauses, including B4.7

Pittwater Spotted Gum Forest - Endangered Ecological Community, and C1.1 Landscaping.

It is considered that the Applicant has adequately demonstrated and addressed the matters required under subclause (3) above. Compliance is considered to be both unnecessary and unreasonable in this case. Requesting compliance with clause 4.3 would require lowering of the dwelling, resulting in excavation and adverse impact on the significant Spotted Gum trees which are protected by a covenant under the original subdivision consent. It is noted that the extent of excavation and impact on these trees was a reason for refusal of application N0335/16. To address this, the design has incorporated a suspended floor on piers, subsequently breaching the building height limit, but reducing any impact on these trees. It is therefore considered sufficient environmental planning grounds exist to justify contravening clause 4.3 of PLEP 2014.

Clause 4.6 stipulates the following:

Development consent must not be granted for development that contravenes a development standard unless:

a) the consent authority is satisfied that:

i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The matters required to be demonstrated by subclause (3) have been sufficiently addressed by the Applicant.

The proposed dwelling is found to be consistent with the objectives of clause 4.3. Despite its height, the dwelling will remain consistent with the desired character of the locality being two storeys in appearance. The dwelling will remain compatible and consistent with the surrounding development on Scotland Island being predominately two storeys. The orientation of the site, including separation between surrounding properties will minimise overshadowing of nearby dwellings. An inspection of the property and assessment of the proposal confirms that any existing views experienced from surrounding properties will be maintained. The visual impact of the development is substantially reduced by extensive vegetation on site, including mature canopy trees, which will minimise the visual impact of the development on the surrounding area. There are no known heritage items or heritage conservation

The proposal is considered to satisfactorily achieve the objectives of the E3 Environmental Management zone. The structures will not have a detrimental impact upon the ecological and scenic values of the zone. The residential development will not be visually prominent as it will be adequately screen by existing dense vegetation. An assessment by Council's natural environment officer finds the proposal to retain and enhance the riparian and wildlife corridors subject to extensive conditioning. Amended plans submitted as part of this application also allows for significant Spotted Gum trees to be retained.

This assessment concludes that the submitted clause 4.6 statement is well-founded and should be supported.

The following is an assessment of the amended proposal in relation to those reasons for refusal listed above.

Natural Environment

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community (P21 DCP), and C1.1 Landscaping (P21 DCP)

The application is supported by an amended arborist report addressing points 1, 2 and 4 of the reasons for refusal noted above. For detailed discussion regarding the natural environment, see section 9 below. Extensive conditioning is recommended by Council's Natural Environment Officer to minimise any impact created by the dwelling and access to the site throughout the construction phase.

Amended plans have also been submitted with the application now proposing to elevate the dwelling on piers to reduce the need for excessive excavation, resulting in a reduced impact on the structural root zone of nearby canopy trees. Council's Natural Environment Officer has assessed these plans and is satisfied with the amended design (see discussion below).

Access

C1.24 Public Road Reserve – Landscaping and Infrastructure

Due to initial concerns raised in the assessment of application N0335/16 regarding the legal and physical construction access not being demonstrated having regard for the tree and bushland environment, noting the Pittwater Spotted Gum EEC, the applicant has submitted a construction management plan and access plan. However, this information is considered to be deficient with no regard to the hazards which are present on the site and within the road reserve, namely geotechnical and flooding. The proposed methods of access through the Harold Avenue road reserve are not to be endorsed due to the insufficient detail provided, including a geotechnical and flooding assessment. Furthermore, due to a creek line extending through the road reserve and subject site, no detail has provided with regard to vegetation, sedimentation, riparian management of the creek line. Should the applicant wish to pursue a method of access through the road reserve and into the subject site, a separate application process should be considered. Until such time, it is recommended that all access to and across the site should be undertaken by foot or by private agreement with adjoining owners.

The following conditions are recommended to address the above concerns:

1. *This consent does not authorise the construction of any temporary or permanent structures within the road reserve or private property, including any rumble boards or bridges. Should the applicant wish to seek consent for the construction of such structures, a separate application is to be made to Council.*

2. *This consent does not authorise the removal of any trees within the road reserve or on private property, other than those recommended by the arborist and approved by Council.*

3. *All construction access to the site via the Harold Avenue road reserve is to be carried out by foot only or by private agreement with adjoining property owners. Track or*

wheel driven/supported plant machinery such as excavators, bob cats etc are prohibited from accessing the site via the Harold Avenue road reserve.

10. REFERRAL COMMENTS

Council's Natural Environment Officer provided the following comments and/or recommendations in relation to the proposed development;

> *Council's natural environment section raises no objections to the proposal subject to conditions. Constraints to development of the subject property include significant remnant trees (part of the Pittwater Wagstaff Spotted Gum Ironbark Forest EEC) and an ephemeral drainage line. It is noted that the subject property has had previous development consent which has now lapsed. The previously approved development application included a biodiversity assessment which has been reviewed by Council's biodiversity officer as part of the current assessment. The arborist report submitted with the proposal indicates retention of significant remnant trees. Any proposed future removal of remnant Spotted Gums or other local native trees will require further assessment and approval by Council in accordance with relevant legislation. Conditions of consent have been included to ensure protection and retention of significant trees, stabilization of the creek bank, removal and management of weeds and replanting of local native plant species.*

Council's Development Engineer has provided the following comments and/or recommendations in relation to the proposed development;

> *In regards to development comments with the above DA. The proposed bridge over the natural watercourse/creek will require plans/drainage report prepared to the requirements of Valerie's comments provided below.*
>
> *In relation to the works proposed in Council's road reserve which appears to be minor and a S138 application has been lodged and will assessed post development consent. However it is considered a definitive option must be approved as part of this DA, which will depends on Valerie's requirements.*

Council's Flooding Officer provided the following comments and/or recommendations in relation to the proposed development;

> *The proposed house is located outside of the flood affected portion of the property.*
>
> *However there appears to be a driveway to the north of the house, crossing the creek with a "low bridge". The creek is affected by high hazard flooding, and Flood Life Hazard Category H5. A flood management report has not been provided, and there are no elevation details of the bridge or driveway.*
>
> *A flood management report needs to be submitted, addressing whether the bridge and any other permanent or temporary structures within the Flood Planning Area meet the requirements of the DCP and LEP.*

Council's Reserves and Recreation Officer has provided the following comments and/or recommendations in relation to the proposed development;

The amended plans with suspended dwelling ground floor above the existing natural ground provides a solution that is capable of achieving the outcomes required by B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community, by retaining and protecting the existing Spotted Gum noted as T1, T2, T3, and T4, subject to the recommendations of the Arboricultural Impact Assessment report prepared by NSW Tree Services, dated 31 August 2017.

Additionally, all existing Spotted Gum noted as T11 to T17 inclusive, the existing Cheese Tree noted as T18, and existing Turpentine noted as T19, in the vicinity of the creekline, shall be retained and protected in accordance with the recommendations of the Arboricultural Impact Assessment report prepared by NSW Tree Services, dated 31 August 2017.

The amended plans with suspended dwelling ground floor above the existing natural ground provides a solution that is capable of achieving the outcomes required by C1.1 Landscaping, by retaining and protecting the existing Spotted Gums, and by the provision of additional Spotted Gums as proposed by the Landscape Plan, prepared by Aspect Designs, drawing L/01, issue A.

Of concern is the lack of information regarding bank stabilisation within the creekline embankments during the construction period. Whilst a Construction Access Plan is provided to retain and protect the existing trees T11 to T19 inclusive, no documentation is provided on the impact in constructing the access provisions (bridge, track, rumble boards) will have on the embankments. Potentially, the existing creek embankments may be subject to erosion during construction works. A condition will need to be imposed.

Council's Environmental Health Officer has provided the following comments and/or recommendations in relation to the proposed development;

A wastewater report has not be submitted, a separate application to be submitted to Council for approval to install prior to CC.

New South Wales Rural Fire Service (NSW RFS) has provided the following comments and/or recommendations in relation to the proposed development:

The Service provides the following recommended conditions:

1. *There is no objection to the proposed development subject to compliance with the original recommended conditions dated 7 September 2016, except where modified below.*

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. *Roofing shall be gutterless or gutter leaf guards shall be installed to prevent the build-up of fallen debris. Any material used shall be non-combustible.*

This letter is in response to a further assessment of the application submitted and

supersedes our previous advice regarding bush fire protection dated 7 September 2016.

10. CONSIDERATION OF S.82A

The applicant has made an application for review within the timeframe permitted under s.97 of the Act. Council has considered the request for a review in accordance with the requirements of s.82A of the Act, as follows;

a. *it has notified the request for review in accordance with:*
   (i) *the regulations, if the regulations so require, or*
   (ii) *a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations,*

   The s.82A review application was notified in the same manner as the original application in accordance with the regulations and Council's Notification Policy. Confirmation of the notification sign being displayed at the front of the property for a minimum of fourteen (14) days was received from the applicant.

b. *it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and*
   No submissions were received in regards to the amended proposal.

c. *in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.*

   It appears that the applicant has made minor amendments to the proposal in an attempt to address the most of the reasons for refusal issued by Council. However, the applicant has been unable to satisfactorily propose a suitable method of access to the site with supporting documentation. This has been satisfactorily addressed through recommended conditions seen in the attached draft determination.

   Whilst the proposal has been altered in a way to achieve a greater level of consistency with Council's DCP, the building height has increased as a result of achieving consistent with P21 DCP. Notwithstanding this building height change, the development is still seen to be substantially the same as the development described in the original application, being the construction of a new two storey dwelling.

The proposed development is considered to meet the provisions of s.82A of the Act.

11. CONCLUSION

The Development Application has been reviewed and assessed in accordance with the provisions of Sections 79C and 82A of the Environmental Planning and Assessment Act 1979, PLEP 2014, P21 DCP and other relevant Council policies.

Amendments to alter floor levels and retain trees resolve the main issue with the prior refusal determination. The Applicant has partly addressed access issues sufficiently to allow the application to proceed subject to a restriction preventing machinery accessing the site via the Harold Avenue road reserve frontage.

Subject to adherence with the conditions recommended in the draft determination attached, the proposal is recommended for approval.

RECOMMENDATION OF PLANNER
That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application relating to N0335/16 for a two storey dwelling at 5 Harold Avenue, Scotland Island subject to the conditions of consent attached.

Report prepared by

Hugh Halliwell
PLANNER

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

NINA & GEORGE ELIAS
12B KANDY AVENUE
EPPING NSW 2121

Being the applicant in respect of Development Application No N0335/16/R

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application No **N0335/16/R** for:

Section 82A Review of Determination of N0335/16 for the new two storey dwelling

At: **5 HAROLD AVENUE, SCOTLAND ISLAND NSW 2105 (Lot 151 DP 1028258)**

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- Architectural Drawings:
  - Drawing No. 01 through to Drawing No. 7, prepared by In House Home Renovations – Granny Flats, dated 12/10/2017;
  - Drawing No. 12, prepared by In House Home Renovations – Granny Flats, dated 12/10/2017;
- Geotechnical Risk Management Report, Project No: 160152, prepared by BMB Engineers, dated June 2016;;
- Arborist Report, Report Ref: AIA (A) ELI 08/17, prepared by N.S.W Tree Services, dated 31/08/2017;
- Bushfire Hazard Assessment Report, Ref No. 160482, dated 8/04/2016;
- Flood Risk Management Report, Ref: 160226, prepared by Quantum Engineers, dated 20/07/2016;
- BASIX Certificate, 719495S_04, dated 27/10/2017;

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

Mark Ferguson

CHIEF EXECUTIVE OFFICER
Per:

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

3. A sign must be erected in a prominent position onsite only showing:

   a) the name, address and telephone number of the Principal Certifying Authority for the work, and
   b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
   c) that unauthorised entry to the work site is prohibited.

   The sign must 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.

4. 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:

   a) in the case of work for which a principal contractor is required to be appointed:
      i. The name and licence number of the principal contractor, and
      ii. The name of the insurer by which the work is insured under Part 6 of that Act.
   b) in the case of work to be done by an owner-builder:
      iii. The name of the owner-builder, and
      iv. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
   c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above 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

5. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

2. This consent does not authorise the construction of any temporary or permanent structures within the road reserve or private property, including any rumble boards or bridges. Should the applicant wish to seek consent for the construction of such structures, a separate application is to be made to Council.

3. This consent does not authorise the removal of any trees within the road reserve or on private property, other than those recommended by the arborist and approved by Council.

4. All construction access to the site via the Harold Avenue road reserve is to be carried out by foot only. Track or wheel driven/supported plant machinery such as excavators, bob cats etc. are prohibited from accessing the site via the Harold Avenue road reserve.

5. To aid in firefighting activities, unobstructed pedestrian access to the rear of the property shall be provided and is to be maintained at all times.

6. The Northern and Western elevation shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

7. The Southern and Eastern elevation shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

8. The existing creek embankment profile shall be retained without disturbance. Any disturbance shall be rectified in accordance with a Riparian Management Plan.

9. Existing weeds present within the creek embankment shall be removed and replaced with endemic species, as proposed by a Riparian Management Plan.

10. Details, including a Riparian Management Plan, shall be submitted to the Certifying Authority.

11. Roofing shall be gutterless or gutter leaf guards shall be installed to prevent the build-up of fallen debris. Any material used shall be non-combustible.

12. All landscaping works to comply with Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

13. In recognition that an unreliable water supply exists, a 10,000 litre water supply shall be provided on the site in accordance with 'Planning for Bush Fire Protection 2006' and the following:

a) Aboveground tanks shall be constructed of noncombustible material. A 65mm metal storz fitting and ball or gate valve shall be installed in any tank.
b) The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal rather than plastic.
c) A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be: (a) fixed in a suitable location so as to be highly visible; (b) positioned adjacent to most appropriate access for the static water supply; (c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply; (d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign; and, (e) fixed with suitable screws or nails. A minimum 3kW (5hp) petrol or diesel powered pump shall be provided with a 19mm (internal diameter) fire hose capable of reaching all parts of the building.
d) A minimum 3kW (5hp) petrol or diesel powered pump shall be provided with a 19mm (internal diameter) fire hose capable of reaching all parts of the building.

14. At the commencement of building works and in perpetuity, the area around the property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' as follows

- North for a distance of 11m and,
- To the property boundary in all other directions.

15. Prior to the release of the Construction Certificate (CC), the applicant must receive an 'Approval to Install an On-Site Sewage Management System' from Council.

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

Reason: To fulfil the requirements under Section 68 of the Local Government Act 1993

16. The existing creek embankment profile shall be retained without disturbance. Any disturbance shall be rectified in accordance with a Vegetation/Riparian Management Plan. The Vegetation/Riparian Management Plan must include:

a) Riparian (creekline) zone management (including fencing, access and erosion control) during construction
b) Removal of any dumped rubbish (if present) and any materials that may obstruct flow of water within the watercourse
c) Weed control
d) Creek bank stabilisation, (This shall address bank erosion and promote naturalistic bank protection works when stabilisation is necessary (i.e. soft engineering outcomes).
e) Existing native vegetation and tree canopy must be retained in the riparian zone unless identified for removal in the arborist report
f) Rehabilitation/revegetation
g) Maintenance plan for two years after revegetation work is complete

17. Existing weeds present within the creek embankment shall be removed and replaced with endemic species, as proposed by a Vegetation/Riparian Management Plan.

18. Details, including a Vegetation/Riparian Management Plan, shall be submitted to the Certifying Authority.

19. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by BMB Engineers dated June 2016 are to be incorporated into the construction plans.

20. Prior to the completion of works, all weeds on site are to be removed and controlled in accordance with the NSW Biosecurity Act 2015. Priority weeds on site including Bamboo, Lantana, Fishbone Fern and Wandering Jew are to be removed and disposed of f site. Site stabilization must be undertaken immediately following weed removal within the riparian zone.

21. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

22. Any vegetation planted onsite outside of the approved building envelope is to be consistent with:
    a) Species listed from the Endangered Ecological Community - Pittwater Wagstaff Spotted Gum Ironbark Forest - http://www.environment.nsw.gov.au/determinations/pittwaterwagstaffpd.htm, OR
    b) Locally native plant species - http://www.pittwater.nsw.gov.au/__data/assets/pdf_file/0011/191909/Native_Gardening_Booklet_-_Original_reduced_file_size.pdf

23. No building materials or other materials are to be placed on Bushland vegetation or below top of bank for the adjacent creekline. Sediment is not to leave the site or enter the creekline and apprropriate sediment fencing is to be installed.

24. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.

25. No building materials or other materials are to be placed on foreshore / Seagrass or other native vegetation. Sediment is not to leave the site or enter areas of Seagrass or its habitat.

26. As part of an integrated on-site stormwater management system, stormwater overflow from the rainwater tank is to be discharged into the adjacent waterway with erosion minimisation facilities installed.

27. This consent prohibits access for construction purposes to the subject site through Harold Reserve.

28. No heavy plant / machinery such as excavators, bob cats are to be used on site.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.

2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.

3. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:

   a) after excavation for, and prior to the placement of, any footings, and
   b) prior to pouring any in-situ reinforced concrete building element, and
   c) prior to covering of the framework for any floor, wall, roof or other building element, and
   d) prior to covering waterproofing in any wet areas, and
   e) prior to covering any stormwater drainage connections, and
   f) after building work has been completed and prior to any occupation certificate being issues in relation to the building.

   To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

4. Construction works approved by this consent must not commence until:

   a) Construction Certificate has been issued by a Principal Certifying Authority
   b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
   c) at least 2 days notice, in writing has been given to Council of the intention to commence work.

5. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing $25,000 or more.

6. Structural Engineering details relating to the development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

7. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate plans and specifications are fulfilled.

8. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

9. An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:-

   a) Site Boundaries and contours
   b) Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
   c) Location of site access, proposed pathways and impervious areas;
   d) Erosion controls to ensure stabilisation of site access pathways across the creekline
   e) Existing and proposed drainage patterns with stormwater discharge points
   f) Locations and methods of all erosion and sediment controls;
   g) North point and scale.

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

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

   Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

3. Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

   Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

4. The following facilities must be provided on the site:

   a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and

b) a garbage receptacle for food scrapes and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at lease seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

6. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report (NSW Tree Services 2017). Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.

7. A site fence and silt and sedimentation and erosion control fences are to be erected and maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

8. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

   All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

   The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

9. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

10. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:

    a) The builder's name, builder's telephone contact number both during work hours and after hours.
    b) That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.

c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
d) That no skip bins or materials are to be stored on Council's Road Reserve.
e) That the contact number for Northern Beaches Council for permits is 9970 1111.

11. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by (NSW Tree Services 2017) are required to be complied with before and throughout the development period, particularly with regard to the following:

a) That the Septic Tank and Enviro Septic Tank Inlet be relocated at least 6.0m from Tree 1 to minimise the incursion to a tolerable degree, associated outlet vents to be redirected south and away from trees.
b) A Project Arborist with minimum qualification equivalent to AQF Level 5 is to be appointed prior to the commencement of works to oversee all tree protection measures, excavation and works adjacent to all trees to be retained and protected, in accordance with Australian Standard 4970-2009 - Protection of Trees on Development Sites.
c) The retention and protection of the existing Spotted Gum noted as T1, T2, T3, and T4, shall be conducted in accordance with the recommendations contained in the Arboricultural Impact Assessment report prepared by NSW Tree Services, Item 6.0.IV, part c (page 12).
d) All existing Spotted Gum noted as T11 to T17 inclusive, the existing Cheese Tree noted as T18, and existing Turpentine noted as T19, shall be retained and protected in accordance with the recommendations contained in the Arboricultural Impact Assessment report prepared by NSW Tree Services, Item 6.0.IV, part d (page 13).
e) Tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.
e) All tree protection measures, including fencing, are to be in place prior to the commencement of works.
f) No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of the tree.
g) No tree roots greater than 50mm diameter are to be cut unless authorised by a qualified Arborist on site.
h) All structures are to bridge tree roots greater than 50mm diameter unless directed a qualified Arborist on site.
i) Details shall be submitted by the Project Arborist to the Certifying Authority.

12. Tree guards are to be provided around all trees as indicated on Site Plan No. 1 (NSW Tree Servicies 2017, Appendix A). The tree guards are to be installed prior to the commencement of any work on the site. No works, including utility installations (eg water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.

13. All works within 5 metres of the existing trees to be retained including site access arrangements, pruning, demolition, excavation, civil works, fencing, location of effluent disposal and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

2. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.

3. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

4. Disturbed areas shall be rehabilitated with indigenous plant species and treated by approved methods of erosion mitigation such as mulching, and revegetation with native grasses or other suitable stabilising processes.

5. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

   A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

6. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* is to be completed and submitted to the Principal Certifying Authority.

7. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (NSW Tree Services, 2017) are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.

2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au

3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.

4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.

5. To ascertain the date upon which a consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).

6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 6 months of the determination.

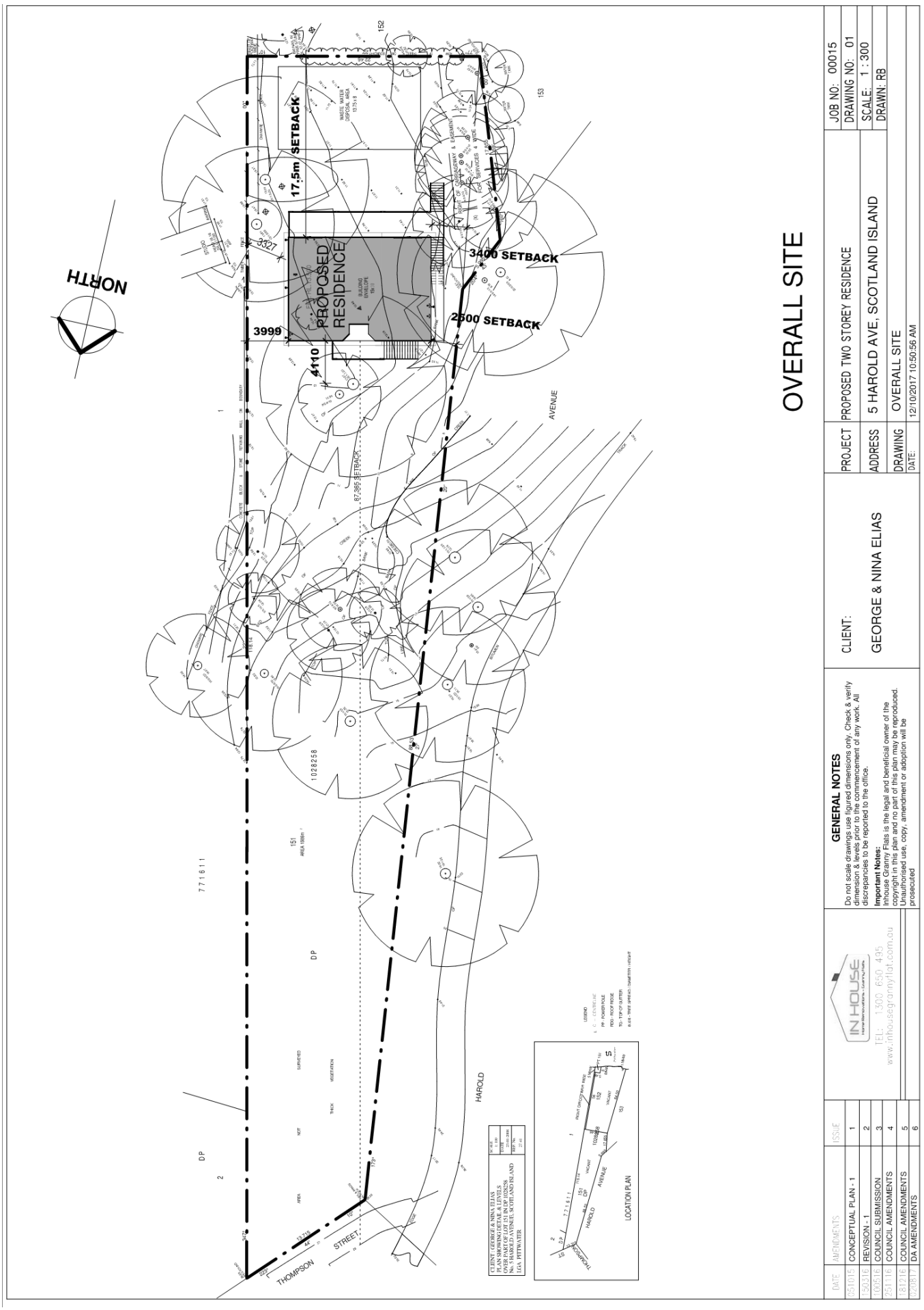
7. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.

8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped.

For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

9. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the *Environmental Planning and Assessment (Amendment) Act, 1997*.

10. Pittwater Wagstaff Spotted GumIronbark Forest is an Endangered Ecological Community (EEC) as listed under the Biodiversity Conservation Act 2016 and has been recorded on this property. Under the Biodiversity Conservation Act 2016 it is an offence to harm Endangered Ecological Communities. No unapproved site disturbance or other activities shall be carried out on the property which adversely impacts on the EEC including remnant trees. Any removal of remnant native trees on the site will require further assessment and approval by Council.


NORTH
17.5m SETBACK
PROPOSED RESIDENCE
3400 SETBACK
2500 SETBACK
3999
4110
3327
87.365 SETBACK
HAROLD
AVENUE
THOMPSON
STREET
LOCATION PLAN
OVERALL SITE
JOB NO: 00015
DRAWING NO: 01
SCALE: 1 : 300
DRAWN: RB
PROJECT PROPOSED TWO STOREY RESIDENCE
ADDRESS 5 HAROLD AVE, SCOTLAND ISLAND
DRAWING OVERALL SITE
DATE: 12/10/2017 10:50:56 AM
CLIENT:
GEORGE & NINA ELIAS
GENERAL NOTES
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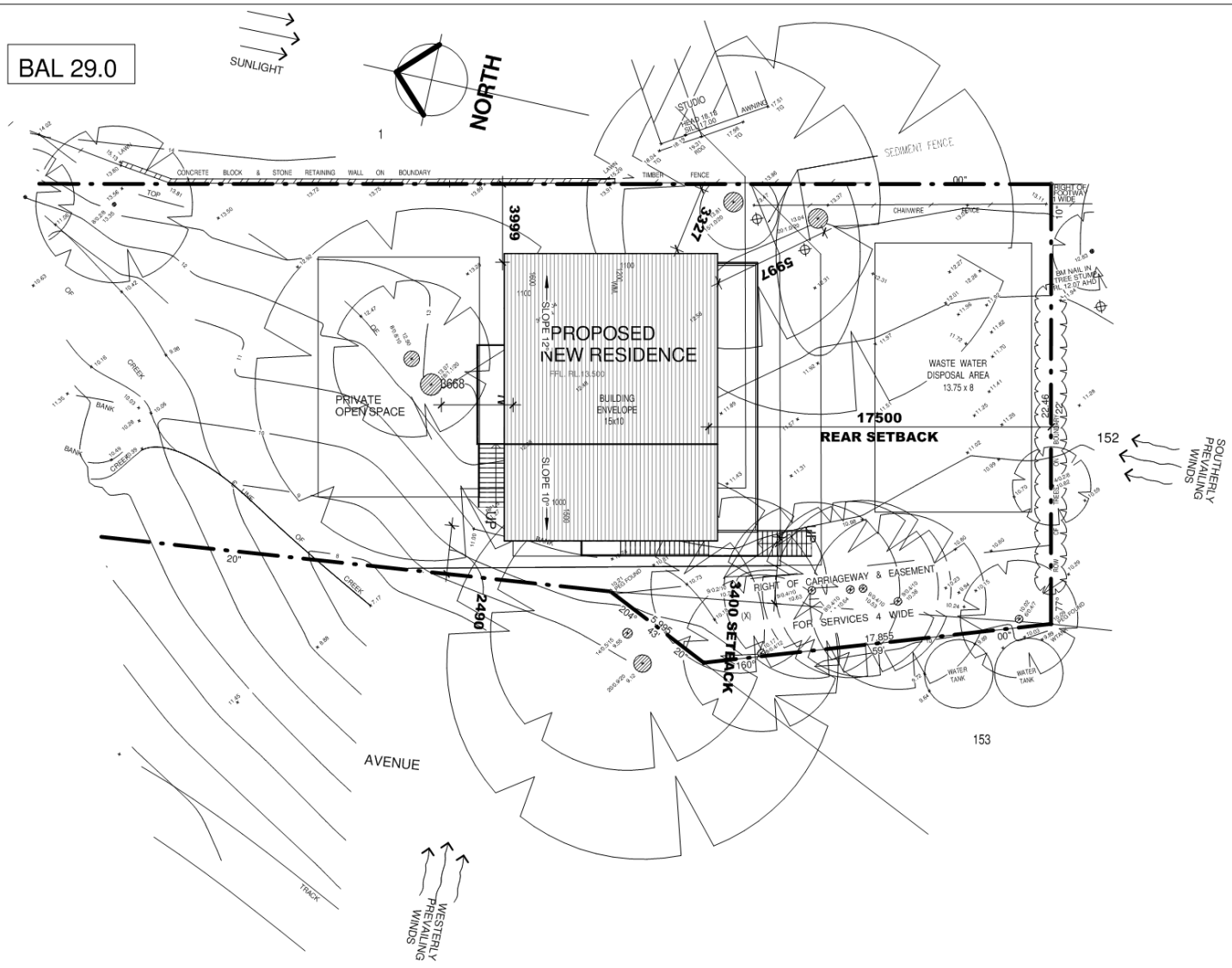
DATE AMENDMENTS ISSUE
03/10/15 CONCEPTUAL PLAN - 1 1
30/3/16 REVISION - 1 2
10/06/16 COUNCIL SUBMISSION 3
25/11/16 COUNCIL AMENDMENTS 4
18/12/16 COUNCIL AMENDMENTS 5
12/10/17 DA AMENDMENTS 6



BASIX & SITE INFORMATION

BASIX CERTIFICATE No.	719495S
DA / CDC No.	-----

SITE DETAILS

LOT NUMBER:	151 (HOUSE No 5)
DP NUMBER:	1028258
SITE AREA:	1986.00m²
HOUSE AREAS (MEASURED TO EXTERNAL WALLS	
GROUND FLOOR:	128.33m²
FIRST FLOOR:	131.7m²
PORCH:	12.37m²
BALCONY:	43.42m²
ALFRESCO:	34.42m²
TOTAL:	350.24m²

PROJECT DETAILS

NO. OF BEDROOMS:	4
ROOF AREA:	169.817m²
TOTAL AREA OF ROOF MEASURED TO THE OUTSIDE OF GUTTERS EXCLUDES PARAPETS & TRAFFICABLE TERRACES. (GUTTER WIDTH 150mm)	
GARDEN & LAWNS (AREA OF PROPOSED GARDENS & LAWN)	450.00m²

STORMWATER

MIN. RAINWATER TANK SIZE REQ:	3000 Litre
MIN. ROOF AREA CONNECTED TO RAINWATER:	150.00m²
RAINWATER USES :	GARDEN TAP, TOILET, & LAUNDRY
REMAINDER OF ROOFWATER & OVERFLOW TO	EXISTING EASEMENT

WATER

KITCHEN TAP FITTING RATING:	4 STAR
SHOWERHEAD RATING:	3 STAR
TOILET RATING: -DUAL FLUSH (3/6 litre)	4 STAR
BATHROOM TAP FITTING RATING:	4 STAR

THERMAL COMFORT/ENERGY

EXTERNAL WALL SURFACE:	CLADDING
EXTERNAL WALL INSULATION:	R1.5
ROOFING MATERIAL:	METAL COLORBOND
ROOF INSULATION:	SARKING
CEILING INSULATION:	R3.5
AIR CONDITIONING INCLUDED:	YES
EER:	2.5 - 3.0 OR HIGHER
HOT WATER SYSTEM:	GAS INSTANTANEOUS
STAR RATINGS:	6 STAR
COMPACT FLUORESCENT LIGHTING :	AS PER BASIX
COOKING APPLIANCES:	GAS C/T & ELEC.OVEN
CLOTHES DRYING LINE REQUIRED:	AS PER BASIX
WIND DRIVEN VENTILATORS REQUIRED/QTY:	N/A

WIP (WORKS IN PROGRESS)

DRAINAGE REQUIRED:	YES / NO

BUILDING HEIGHT		PRIVATE OPEN SPACE	
MAX. ALLOWED:	8.500m	MIN. REQ:	80.00m²
PROVIDED:	9.262m	PROVIDED:	100.00m²

	DRAWING:	DRAWN:	
1	CONCEPTUAL PLAN 1	RB	25.06.15
2	REVISION - 1	RB	15.03.16
3	DEVELOPMENT APPLICATION	RB	10.05.16
4	COUNCIL AMENDMENTS	RB	25.11.16
5	COUNCIL AMENDMENTS	RB	18.12.16
6	---	-	-
7	---	-	-
8	---	-	-
9	---	-	-
10	---	-	-

SITE & SITE ANALYSIS

DATE	AMENDMENTS	ISSUE
051015	CONCEPTUAL PLAN - 1	1
150316	REVISION - 1	2
100516	COUNCIL SUBMISSION	3
251116	COUNCIL AMENDMENTS	4
181216	COUNCIL AMENDMENTS	5
020817	DA AMENDMENTS	6

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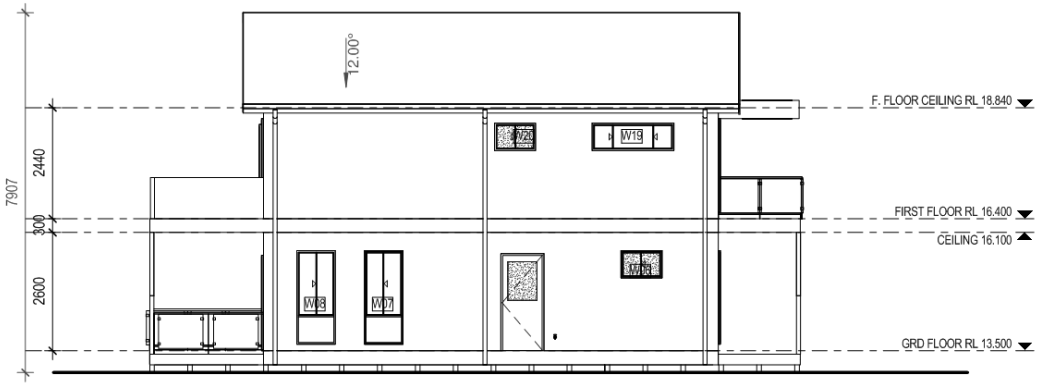
CLIENT: GEORGE & NINA ELIAS

PROJECT	PROPOSED TWO STOREY RESIDENCE	JOB NO:	00015
ADDRESS	5 HAROLD AVE, SCOTLAND ISLAND	DRAWING NO:	02
		SCALE:	1 : 200
		DRAWN:	RB
DRAWING	SITE & SITE ANALYSIS		
DATE:	12/10/2017 10:50:57 AM		

northern beaches council

NORTH ELEVATION



EAST ELEVATION

DOOR Schedule

Mark	Height	Width
01	2032	Kolbe VistaLuxe Inswing Door Standard Sill 2-Wide
02	2040	820
03	2040	2x1020
04	2040	720
05	2040	720
06	2100	820
07	2040	3x770
09	2040	2x820
10	2100	Bi-Fold Door
11	2040	820
12	2100	720 CSD
13	2100	720 CSD
14	2040	820
15	2100	720 CSD
16	2040	2x820
17	2032	Kolbe VistaLuxe Inswing Door Standard Sill 2-Wide
18	2040	Bi-Fold Door
19	2040	820
20	2100	720 CSD
21	2040	820
22	2040	820

WINDOW & SLIDING DOOR Schedule

Type	Window No.	Height	Width	Window Style	Glazing
W	01	2057	850	SLIDING	CLEAR
W	02	2057	850	SLIDING	CLEAR
W	03	2057	850	SLIDING	CLEAR
W	04	2057	850	SLIDING	CLEAR
W	05	2057	850	SLIDING	CLEAR
W	06	600	900	SLIDING	OBSCURE/TG
W	07	2057	850	SLIDING	CLEAR
W	08	2057	850	SLIDING	CLEAR
W	09	600	1800	SLIDING	CLEAR
W	10	600	1200	SLIDING	CLEAR
W	11	600	1200	SLIDING	CLEAR
W	12	2057	850	SLIDING	CLEAR
W	13	2057	850	SLIDING	CLEAR
W	14	2057	850	SLIDING	CLEAR
W	15	2057	850	SLIDING	CLEAR
W	16	2057	850	SLIDING	CLEAR
W	17	2057	850	SLIDING	CLEAR
W	18	2057	850	SLIDING	CLEAR
W	19	600	1800	SLIDING	CLEAR
W	20	600	900	SLIDING	OBSCURE/TG
W	21	2057	850	SLIDING	CLEAR
W	22	2057	850	SLIDING	CLEAR
W	23	600	3010	SLIDING	CLEAR
W	24	600	3010	SLIDING	CLEAR
W	25	600	3010	SLIDING	CLEAR
SD	01	2100	2724	SLIDING DOOR	CLEAR
SD	02	2100	2724	SLIDING DOOR	CLEAR
SD	03	2100	4284	ALFRESCO SLIDING DOOR	CLEAR

ELEVATIONS

DATE	AMENDMENTS	ISSUE
051015	CONCEPTUAL PLAN - 1	1
150316	REVISION - 1	2
100516	COUNCIL SUBMISSION	3
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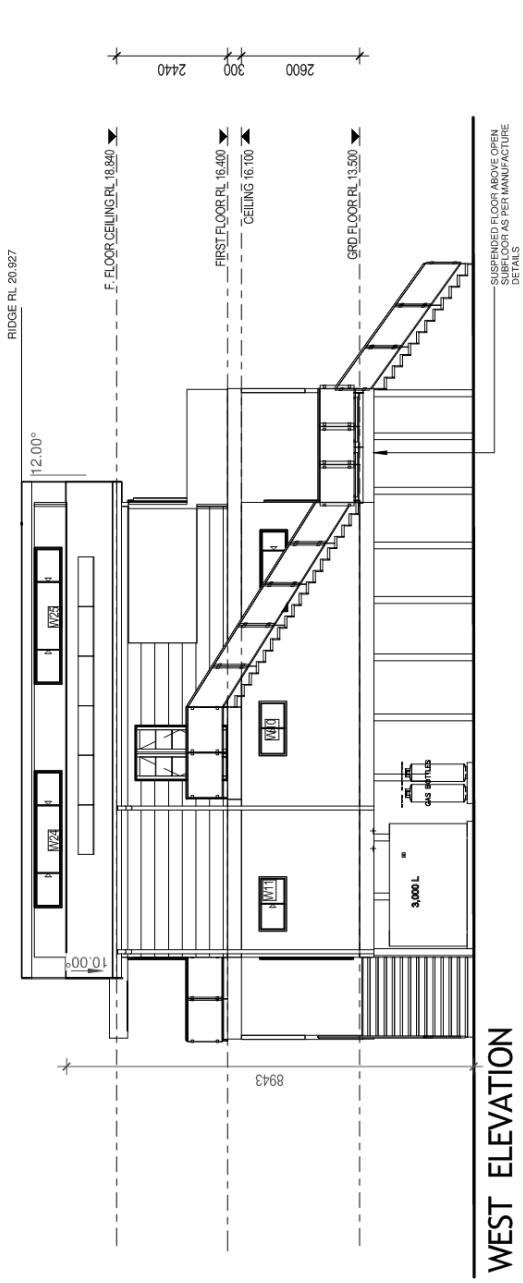
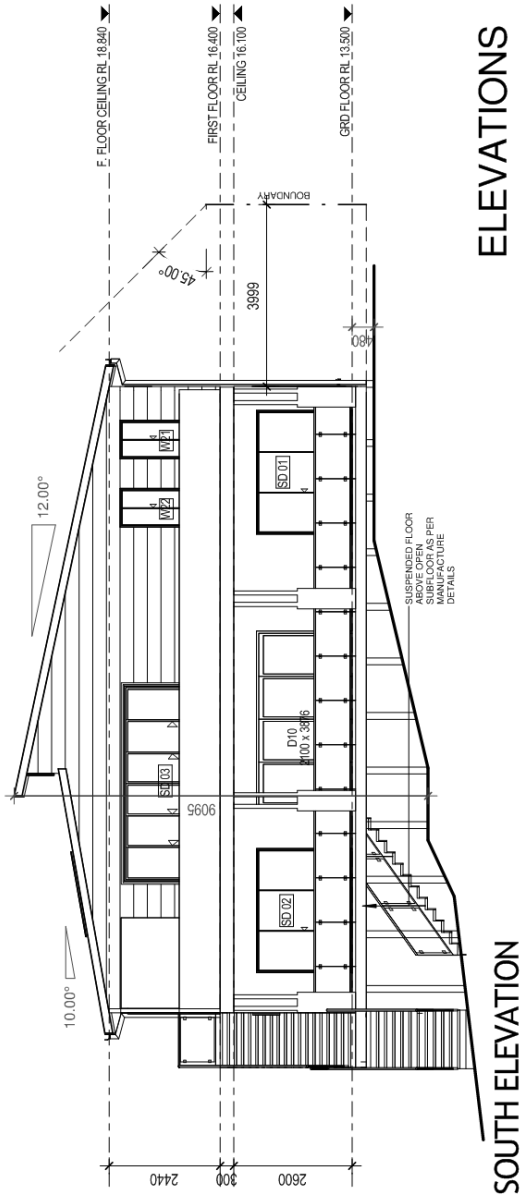
CLIENT:
GEORGE & NINA ELIAS

PROJECT	PROPOSED TWO STOREY RESIDENCE	JOB NO:	00015
ADDRESS	5 HAROLD AVE, SCOTLAND ISLAND	DRAWING NO:	05
		SCALE:	1 : 100
		DRAWN:	RB
DRAWING	ELEVATIONS		
DATE:	12/10/2017 10:50:58 AM		





ELEVATIONS

DATE	AMENDMENTS	ISSUE
05/10/15	CONCEPTUAL PLAN - 1	1
30/3/16	REVISION - 1	2
16/06/16	COUNCIL SUBMISSION	3
25/11/16	COUNCIL AMENDMENTS	4
16/12/16	COUNCIL AMENDMENTS	5
12/08/17	DA AMENDMENTS	6

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CLIENT: GEORGE & NINA ELIAS

PROJECT	PROPOSED TWO STOREY RESIDENCE
ADDRESS	5 HAROLD AVE, SCOTLAND ISLAND
DRAWING	ELEVATIONS
DATE:	12/10/2017 10:50:59 AM

JOB NO: 00015
DRAWING NO: 06
SCALE: 1 : 100
DRAWN: RB