

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/0053
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<b>Responsible Officer:</b>	Christopher Nguyen
<b>Land to be developed (Address):</b>	Lot 1 DP 392257, 8 Bungan Head Road NEWPORT NSW 2106
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	E4 Environmental Living
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Peter Kenneth Barnett Eileen O'Donnell
<b>Applicant:</b>	Peter Kenneth Barnett

<b>Application lodged:</b>	16/01/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	22/01/2018 to 05/02/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 326,000.00
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### ASSESSMENT INTRODUCTION

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

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

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings

Pittwater 21 Development Control Plan - 2014 - B6.1 Access driveways and Works on the Public Road Reserve

Pittwater 21 Development Control Plan - 2014 - C1.5 Visual Privacy

Pittwater 21 Development Control Plan - 2014 - D10.1 Character as viewed from a public place

Pittwater 21 Development Control Plan - 2014 - D10.7 Front building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - 2014 - D10.8 Side and rear building line (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - 2014 - D10.11 Building envelope (excluding Newport Commercial Centre)

Pittwater 21 Development Control Plan - 2014 - D10.15 Fences - Flora and Fauna Conservation Areas

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 392257 , 8 Bungan Head Road NEWPORT NSW 2106
<b>Detailed Site Description:</b>	The site is known as 8 Bungan Head Road, Newport and legally referred to as Lot 1 DP 392257. The total area of the site is listed as 803m <sup>2</sup> . The site contains a single dwelling located to the front of the site. Adjoining the site are low density residential dwellings.

Map:



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the following alterations and additions:

- Addition of a new carport to the street frontage
- Alterations to the front facade
- Extension of the rear deck
- Various internal alterations to the existing dwelling

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 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;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.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;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.</p>

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 92</u> of the EP&amp;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.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;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.</p> <p><u>Clause 98</u> of the EP&amp;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.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Mrs Carolyn Nicola Hayes	2 Bushrangers Hill NEWPORT NSW 2106

One submission was received by 2 Bushrangers Hill Street, Newport.

The submission outlines its general support for the proposal. The submission requests the shared driveway which services 2 and 3 Bushrangers Hill be maintained and repaired if damage occurs.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	no landscape objections to the proposal
NECC (Bushland and Biodiversity)	<p>Council's Bushland and Biodiversity section raises no objection to the development proposal, subject to conditions.</p> <p>Council's Bushland and Biodiversity has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.3 Flora and Fauna Habitat Enhancement Category 2 Land Outcomes: Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats.</p> <p>The development application complies with this control</p>
NECC (Development Engineering)	<p>The proposal relies upon the construction of a retaining wall adjacent to the front boundary. This wall once constructed will support Council's road reserve and may require an easement for support. Prior to Development Engineering providing a final assessment, it is considered that comments from Council's Road Asset Team must be provided addressing this issue and the construction of the retaining wall. Please re-refer once this information has been provided for final assessment.</p>



Internal Referral Body	Comments
	<p><b>Comments from Road Assets received.</b></p> <p>The proposed development does not increase the impervious area by more than 50 square metres. The submitted Geotechnical report satisfies the DCP requirements. The existing driveway crossing is to remain which is satisfactory. The proposed carport will be lower than the existing driveway to the adjoining property driveway to the east which will require a barrier for protection of vehicles which has been conditioned. No objection to approval, subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid did not provide a response to the 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)

#### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A304538).

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

#### Pittwater Local Environmental Plan 2014

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	9.88m	N/A	Yes (see 4.3 Height of Buildings)

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

### Detailed Assessment

#### **4.3 Height of buildings**

The height of the proposed works rises to a maximum of 9.88m. The proposed building footprint is situated on an existing slope of approximately 30-31%. This allows the applicant to increase the height of the works to a maximum of 10.0m. As the slope descends from the south-west to the north-east of the site and is considerably steep, the works do not appear excessive or out of scale with the surrounding dwellings within Bungan Head Road.

As the carport and roof is attached to the main dwelling, this is considered to be part of the dwelling's building footprint. The slope was measured from the south-eastern corner to the north-eastern corner of the dwelling taking into consideration the building footprint of the proposed works.

The proposed works do not lead to an overshadowing issue as the shadows cast from the dwelling do not overshadow neighbouring principal living areas or private open spaces. The proposed works do not obstruct views of significance and does not have an impact on any heritage items.

### **Pittwater 21 Development Control Plan - 2014**

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	0.8m	87.69%	No
Rear building line	6.5m	N/A	N/A	Yes
Side building line	2.5m	2.8m	N/A	Yes
	1m	0.8m	20%	No
Building envelope	3.5m	Outside envelope	N/A	No
Landscaped area	60%	64%	N/A	Yes

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes
B5.4 Stormwater Harvesting	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.9 Adaptable Housing and Accessibility	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.23 Eaves	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	No	Yes
D10.8 Side and rear building line (excluding Newport Commercial Centre)	No	Yes
D10.11 Building envelope (excluding Newport Commercial Centre)	No	Yes
D10.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D10.15 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D10.16 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

### Detailed Assessment

#### **B6.1 Access driveways and Works on the Public Road Reserve**

A submission was provided to Council which raised concerns regarding the impact on the neighbouring driveway adjacent to the subject site to the east which services 2 and 3 Bushrangers Hill, Newport. A condition has been imposed for this driveway to not be obstructed at all times and for damage as a result of construction to be repaired at the expense of the owners of 8 Bungan Head Road.

The proposed retaining wall to the front of the site supports the road reserve. A condition has been imposed for the owners of the site to be responsible for the overall structural integrity and maintenance of the retaining wall. Any expense is the responsibility of the owner.

Council's Development Engineer has imposed a condition for a safety barrier to the parking facility in order to prevent potential accidents from vehicles and the proposed carport and its roof.

#### **C1.5 Visual Privacy**

There are no unreasonable impacts on visual privacy for surrounding neighbours. The dwelling is set back adequately from neighbouring dwellings. The driveway east of the site provides a considerable distance between neighbouring sites which alleviates visual privacy concerns for the neighbour to the east.

#### **D10.1 Character as viewed from a public place**

The proposed works are considered to be in character with the surrounding locality. The dwelling is above the maximum height limit however the slope is approximately 30%. Due to the considerable slope of the site, the scale of the works do not appear dominant when viewed from the street frontage. The retaining wall at the front of the dwelling is screened by trees and vegetation.

#### **D10.7 Front building line (excluding Newport Commercial Centre)**

The proposed carport is in close proximity to the front boundary however it is an open structure and does not appear dominant when viewed from the street. The location of the carport is acceptable.

#### **D10.8 Side and rear building line (excluding Newport Commercial Centre)**

The carport is set back 800mm to the eastern side boundary. This is considered acceptable because

there is a driveway access handle directly east of the site which provides adequate distance between the carport and the neighbouring dwelling to the east. Council's Engineer has also input a condition for a traffic barrier to be installed to prevent accidents from vehicles entering the driveway adjacent to the site and hitting the carport.

#### **D10.11 Building envelope (excluding Newport Commercial Centre)**

The existing dwelling falls outside of the building envelope. The extension of the roof to the front of the dwelling falls outside of the building envelope, however as the overall height of the existing dwelling does not change, the impact is considered to be minimal. The scale of works is reasonable and not considered excessive.

#### **D10.15 Fences - Flora and Fauna Conservation Areas**

No new fences proposed

#### **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**

##### **Pittwater Section 94 Development Contributions Plan**

#### **CONCLUSION**

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

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

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

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

- Consistent with the objectives of the DCP

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0053 for Alterations and additions to a dwelling house on land at Lot 1 DP 392257, 8 Bungan Head Road, NEWPORT, 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
01.01 - Site and Roof Plan	06/11/2017	Warwick Werner Architect Pty Ltd
01.02 - Floor Plan Level 2	06/11/2017	Warwick Werner Architect Pty Ltd
01.03 - Floor Plan Level 3	06/11/2017	Warwick Werner Architect Pty Ltd
01.04 - Street Elevation and Section A-A	06/11/2017	Warwick Werner Architect Pty Ltd
01.05 - North East Elevation	06/11/2017	Warwick Werner Architect Pty Ltd
01.06 - South East Elevation	06/11/2017	Warwick Werner Architect Pty Ltd
01.07 - North West Elevation	06/11/2017	Warwick Werner Architect Pty Ltd
01.08 - Section B-B	06/11/2017	Warwick Werner Architect Pty Ltd
01.09 - Section C-C	06/11/2017	Warwick Werner Architect Pty Ltd

**Reports / Documentation – All recommendations and requirements contained within:**

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (A304538)	15/01/2018	Warwick Werner Architect Pty Ltd
Geotechnical Risk Management Report (J1387)	29/09/2017	White Geotechnical Group

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

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

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

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. **Retaining Wall Maintenance**

The retaining wall supporting the road reserve is to be maintained by the owner of the property at all times. Expenses related to the construction and maintenance of the retaining wall are the responsibility of the owners of the property.

## 3. **Driveway Access for Neighbouring Properties**

The driveway adjacent to the site to the east providing vehicle access to 2 & 3 Bushrangers Hill, Newport, is to not be obstructed at all times. Any damage to this driveway caused by construction work is to be repaired at the expense of the owners at 8 Bungan Head Road, Newport.

## 4. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

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

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (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.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;



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

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 6. Security Bond

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

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

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

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

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

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

7. **Stormwater Disposal from Low Level Property**

Stormwater shall be disposed of to an existing approved system or in accordance with Pittwater 21 DCP 2014 Clause B5.10. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the DCP are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACENC02)

8. **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. (DACENC05)

9. **Safety Barrier to Excavated Parking Area**

An appropriately qualified and practicing Structural Engineer shall submit a design for a suitable barrier along the top of the proposed parking area to the Principal Certifying Authority to ensure that the parking facility is constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

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

Reason: Safety and compliance with this consent. (DACENCPC1)

10. **Geotechnical Report Recommendations have been correctly incorporated into designs and structural plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 29 September 2017 are to be incorporated into the construction plans.

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.

Reason: To ensure geotechnical risk is managed appropriately.

11. **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)

**12. 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](http://www.sydneywater.com.au) for:

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

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

**13. 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)

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

**14. Stormwater Disposal**

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

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

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

**15. Certification of Safety Barrier**

An appropriately qualified and practicing Structural Engineer shall certify to the Council / Principal Certifying Authority that the safety barrier to the parking facility was constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.

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

Reason: Safety and compliance with this consent. (DACENF13)

**16. Geotechnical Certification Recommendations have been Implemented**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy

(Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is mitigated appropriately.

17. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

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

18. **No Planting Environmental Weeds**

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

**Reason:** Weed management.

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

**Signed**




**Christopher Nguyen, Planner**

The application is determined under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**































**ATTACHMENT A**

Notification Plan	Title	Date
 2018/063388	Plan - Notification	12/01/2018

**ATTACHMENT B**

No notification map.

## ATTACHMENT C

Reference Number	Document	Date
 2018/063388	Plan - Notification	12/01/2018
 2018/063397	Report - Geotechnical	12/01/2018
 2018/063399	Report - Statement of Environmental Effects	12/01/2018
 2018/063393	Plans - Survey	12/01/2018
 2018/063384	Cost Summary Report	15/01/2018
 2018/063400	Report - Stormwater	15/01/2018
 2018/063394	Report - BASIX Certificate	16/01/2018
 2018/063401	Report - Waste Management	16/01/2018
 DA2018/0053	8 Bungan Head Road NEWPORT NSW 2106 - Development Application - Alterations and Additions	16/01/2018
 2018/062282	DA Acknowledgement Letter - Peter Kenneth Barnett	16/01/2018
 2018/063396	Report - Certification of Shadow Diagrams with Plans	17/01/2018
 2018/063389	Plans - External	17/01/2018
 2018/063390	Plans - Internal	17/01/2018
 2018/063392	Plans - Master Set	17/01/2018
 2018/063385	Development Application Form	17/01/2018
 2018/063386	Fee Form	17/01/2018
 2018/063387	File Note - Owner's Consent	17/01/2018
 2018/063383	Applicant Details	17/01/2018
 2018/063739	DA Acknowledgement Letter (not integrated) - Peter Kenneth Barnett	17/01/2018
 2018/063759	Notification Letter - DA	17/01/2018
 2018/271898	Additional Information - Owner's Consent	25/01/2018
 2018/093883	Online Submission - Hayes	04/02/2018
 2018/165472	Barnett - Request for update - DA2018/0053 - 8 Bungan Head Road Newport	08/03/2018
 2018/184790	Landscape Referral Response	20/03/2018
 2018/214919	Superceded - Development Engineering Referral Response	04/04/2018
 2018/220246	Natural Environment Referral Response - Biodiversity	06/04/2018
 2018/291545	FW: Road Reserve Referral - DA2018/0053 - 8 Bungan Head Road NEWPORT	27/04/2018
 2018/292124	Discussion with Engineering and Road Reserves regarding retaining wall and adjacent driveway	03/05/2018
 2018/271795	Email responding to submission - Hayes	03/05/2018
 2018/291727	Development Engineering Referral Response	14/05/2018