

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1677
Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot B DP 369969, 40 Starkey Street FORESTVILLE NSW 2087
Proposed Development:	Demolition works, construction of a dwelling house
Zoning:	Warringah LEP2011 - 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:	Liu Hai Sheng Jing Liu
Applicant:	Homestead Home Building Pty Ltd
Application lodged:	12/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	18/10/2018 to 05/11/2018
Advertised:	Not Advertised
Submissions Received:	4
Recommendation:	Approval
Estimated Cost of Works:	\$ 1,481,024.00

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:

- 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 - B9 Rear Boundary Setbacks

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot B DP 369969 , 40 Starkey Street FORESTVILLE NSW 2087
Detailed Site Description:	<p>The subject site consists of one allotment located on the western side of Starkey Street.</p> <p>The site is not a tradition shaped allotment as it is wider than it is deep with a frontage of 30.48m along Starkey Street and a depth of 24.42m. The site has a surveyed area of 739.8m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates single storey dwelling and detached carport.</p> <p>The site is relatively flat.</p> <p>The site has lawn area at the front and rear and trees and shrubs along the boundaries. There are no known threatened species on the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one to two storey residential dwellings of varying architectural styles.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following:

307/81

Alterations and additions

Approved - 02/02/1981

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

PROPOSED DEVELOPMENT IN DETAIL

The proposal is seeking approval for demolition of the existing dwelling and construction of a new dwelling with the following:

Ground floor:

- Entry foyer,
- Bedroom,
- Powder room,
- Kitchen, scullery, laundry, dinning area,
- Living room, bar, cellar, storage room, games room and cinema, and
- Double garage.

First floor:

- Six bedrooms (Bed 1 and 2 with ensuite and walk-in-robe),
- Two bathrooms, and
- Parents retreat and rumpus room.

External:

- Construction of a 1.2m high front fence,
- Two patios, and
- Landscaping.

Note: The application, as lodged, was deficient in landscaped open space, did not demonstrate sufficient spatial separation to comply with part B3 Side Boundary Envelope and part D9 Building Bulk of the WDCP. The application also proposed a dual access driveway crossing which is prohibited under Council's current policy for a new dwelling house.

The applicant was requested to withdraw the application on 27 October 2018. The applicant provided amended plans addressing Council concerns by increasing the landscaped open space from 31% to 50%, increasing the setback to the side boundaries and removing the dual access driveway to the site.

The amended plans were not re-notified as the development was substantially the same and provided a reduced environmental impact as per the requirements of the WDCP. However, the amended plans were provided to the adjoining property at no. 44 Starkey Street for further comment on 7 December 2018.

The assessment of the application is based on the above works relating to the amended plans from Fyffe Design Services dated 12.11.18.

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	Warringah 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&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>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council</p>

Section 4.15 Matters for Consideration'	Comments
	<p>requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. The applicant provided amendment plans to assist in addressing some development assessment issues. The amended plans were received 12 December 2018 and did not warrant renotification under the WDCP 2011.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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 4 submission/s from:

Name:	Address:
Mr James Roland Brennan	44 Starkey Street FORESTVILLE NSW 2087
Mr Simon Mills Robson	46 Starkey Street FORESTVILLE NSW 2087
Mr John Maxwell Gercken	48 Starkey Street FORESTVILLE NSW 2087
Ms Rose Mary Loughnane	108 Cook Street FORESTVILLE NSW 2087

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

- Size of dwelling, bulk and scale and inconsistent with development in the area,
- Dual occupancy/multi dwelling,
- Parking,
- Side setbacks and measurements,
- Privacy,
- Side boundary fence,
- BASIX Certificate,
- Overshadowing,
- Stormwater details,
- Cost of works.

The matters raised within the submissions are addressed as follows:

- **Size of dwelling, bulk and scale and inconsistent with development in the area**
The submissions raised concern that the overall size of the dwelling was inconsistent with development in the area.

Comment:

This matter is addressed in more detail under Part D9 - Building Bulk of the WDCP in this report. In summary, the site is wider than it is deep and this allows for a much larger looking dwelling to the street frontage than on a more traditional site which is deeper than it is wide. The proposal is not considered unreasonable as it meets the objectives and requirements of the built form control of the WDCP. The proposal is adequately articulated with the use of set backs and different heights of the structure to prevent long sections of blank wall and steps down with the slope of the site minimising the need for excavation. Landscaping and screen planting along side and rear elevations will screen, soften and minimise the building bulk when viewed from the adjoining properties. In addition to this, the proposal ensures adequate levels of sunlight, solar access and privacy is achieved on site and maintained on adjoining sites.

Development in the area is characterised by detached one to three storey residential dwellings of varying architectural styles, landscaping and varying set backs to all boundaries. In this regard, there is no distinct character in the immediate area surrounding the site, other

than residential dwellings and the proposal will be consistent with other modernised dwellings in the area.

- **Dual occupancy/mult dwelling**

The submissions raised concern that proposal will be used as a dual occupancy 'the symmetrical internal layout leads to a strong likelihood of a future conversion to an attached dual occupancy'.

Comment:

The proposal has been designed as a single residential dwelling, while the internal design may look like it can be converted to a dual occupancy, Council can not presume this will occur. A condition will be included in the consent requiring the dwelling to not be used as a dual occupancy.

- **Parking**

The submissions raised concern that a two car garage was not sufficient for a seven bedroom dwelling and that there was limited street parking.

Comment:

The Appendix 1 Car Parking Requirements of the WDCP requires only two car parking spaces per dwelling. There is no requirement for additional car parking based on the number of bedrooms. The proposal is providing two covered car parking spaces which meets the WDCP requirements.

- **Side setbacks and measurements**

The submissions raised the following concern 'The proposal has failed to adequately consider the site typography that slopes significantly away to the southern boundary. As a result, the proposed dwelling will result in a visual dominated northern outlook for the adjoining property to the south'. A earlier submission raised an issue with the plans as they did not provide 'measurements to determine the distance between the external walls and the boundary'.

Comment:

This matter is addressed in more further under Part D9 - Building Bulk of the WDCP in this report. In summary, the site is wider than it is deep and this allows for a much larger looking dwelling to the street frontage than on a more traditional site which is deeper than it is wide. The proposal is not considered to be visually dominate as it complies with the front and side setbacks, side boundary envelope, wall height and landscaped open space requirements of the WDCP. The two patios located off the ground floor living areas of the proposal do not meet the rear setback requirements, however, the remainder of the proposal does and the non-compliance meets the objectives of the control. The applicant provided amended plans increasing the setbacks to the side boundary to reduce the visual impact of the proposal to the adjoining properties to the north and south. The proposal is also well beneath the 8.5m height requirement of the WLEP and is adequately articulated with the use of set backs and different heights of the structure to prevent long sections of blank wall. The proposal has been designed to address the slope of the land by stepping down with the slope of the site which minimises the need for excavation and reduces excess height of the roof and walls. The landscaping and screen planting along side and rear elevations will screen, soften and minimise the building bulk when viewed from the adjoining properties.

The amended plans included measurements to the boundaries on the site plan which was made available to the objector at no. 44 Starkey Street.

- **Privacy**

The submission raised concern that 'the south elevation window AS1012 will provide a line of site into our backyard' being no. 44 Starkey Street.

Comment:

Window AS1012 is located off a bathroom and as a condition of consent will be required to be frosted/opaque glass to limit the potential for overlooking of the rear yard of no. 44 Starkey Street.

- **Side Boundary Fence**

The submission raised the following concern 'There is no indication as to the height of the paling fence to maximise privacy'.

Comment:

The proposal does not include a side boundary fence. The mention of the paling fence on landscaping plans refers to the existing boundary fence. Any changes to the side boundary fence is for discussion between the affected owners.

- **BASIX Certificate**

a submission raised concerns with the accuracy of the BASIX Certificate submitted with the application as 'there is two references to garages, the first indicating 'bare' floor coverings and the latter indication dual use and carpet floor covering'.

Comment:

The references to the floor coverings are located in the NATHERS Certificate which is attached to BASIX Certificate. The first mention of 'Garage 1' is relating to the garage floor and the second 'Retreat/ Garage 1' where it mentions carpet is talking about the ceiling/floor for the parents retreat which is located directly above the garage on the first floor. The certificate is correct and is not talking about two separate garages.

- **Overshadowing**

The submission raised concern that the proposal would result in excessive overshadowing to the outdoor living space of no.44 Starkey Street.

Comment:

The location and the height of the development will not result in unreasonable overshadowing to the adjoining property at No. 44 Starkey Street. While the proposal will result in additional overshadowing to the rear yard of no. 44 Starkey Street, the orientation of the site's and the location and design of the proposal, will not result in overshadowing to the principle private open space for more than three hours between 9am and 3pm on June 21. The development meets the requirements of Part D6 - Access to Sunlight of the WDCP.

- **Insufficient Stormwater details**

The submissions raised concern that the proposal did not adequately address stormwater management for the site.

Comment:

The application was referred to Councils Development Engineers, who have reviewed the proposal and stormwater management plans and have no objections, subject to conditions.

- **Cost and duration of works**

The submission raised concern that the cost and duration of the works seems insufficient for the work required.

Comment:

The applicant provided a Cost Summary Report signed by a suitable qualified person. The Cost Summary Report satisfies Councils requirements.

The amount of time it will take to complete the project is not a planning consideration and does not form part of the assessment of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	No objections to the proposal subject to conditions.
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following conditions of consent.

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.

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. 964185S dated 24 September 2018). The BASIX Certificate is supported by an NatHERS Certificate (see Certificate No. 0003200771 and dated 24 Sep 2018).

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

Commitment	Required Target	Proposed
Water	40	54
Thermal Comfort	Pass	Pass
Energy	40	50

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid. 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 Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	7.8m	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed
B1 Wall height	7.2m	7m
B3 Side Boundary Envelope	North - 4m	No encroachment
	South - 4m	No encroachment
B5 Side Boundary Setbacks	North - 0.9m	2m
	South - 0.9m	2m
B7 Front Boundary Setbacks	6.5m	6.5m
B9 Rear Boundary Setbacks	6m	Dwelling Patio -
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	372.5m ²

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	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
D1 Landscaped Open Space and Bushland Setting	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B9 Rear Boundary Setbacks

Description of non-compliance

The proposed patios located off the ground floor dining and living area have a 4.3m set back to the rear boundary. The remainder of the dwelling is setback 6.1m to the rear boundary.

The control requires a 6m rear boundary setback.

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 opportunities for deep soil landscape areas are maintained.*

Comment:

The proposed development provides 50% Landscaped Open Space on the site. It is considered that opportunities for deep soil landscaped areas will be maintained on the site.

- *To create a sense of openness in rear yards.*

Comment:

The existing dwelling on the site had a 0.9m setback to the rear boundary. The the proposed patios are located directly off the dwelling and the remainder of the rear yard is free of structures and provide a greater sense of openness on the site than is currently provided.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The proposed development ensures adequate light, solar access and privacy is obtained between dwellings. The proposal provides sufficient and compliant side and front setbacks to the boundaries. The proposal complies with the requirements of the D6 - Access to Sunlight control and has been designed so that there are no unreasonable impacts on the adjoining neighbours. Adequate physical separation between the proposed development and habitable areas of the adjoining properties to protect privacy and amenity of the site and adjoining properties has been achieved.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The immediate area surrounding the site has varying subdivision patterns, which has resulted in an inconsistent pattern of buildings, rear gardens and landscape elements. The existing dwelling on the site has a 0.9m setback to the rear boundary and many of the adjoining properties have structures located towards the rear of the blocks. The location of the proposed patios will be fairly consistent with the visual continuity and pattern of buildings found on the adjoining properties on Starkey Street and the rear adjoining properties.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Privacy between the the proposal and adjoining properties will be maintained. The encroachment into the rear setback is for ground floor patios. The proposed landscaping along the boundaries will screen the patios and will provide additional privacy to the site and adjoining properties. The proposal will maintain privacy between buildings.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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.

D9 Building Bulk

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The site is wider than it is deep which allows for a much wider designed dwelling to the street frontage. The proposal meets the built for requirements and objectives of the WDCP 2011 and is adequately articulated with the use of set backs and different heights of the structure to prevent long sections of blank wall. The proposal also steps down with the slope of the site minimising the need for excavation.

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

Comment:

The proposal is adequately articulated with the use of set backs and different heights of the structure to prevent long sections of blank wall. The proposal also steps down with the slope of the site minimising the need for excavation. The proposal sits well below the wall height control of the WDCP 2011 and the 8.5m height requirement of the WLEP. Landscaping and screen planting along side and rear elevations will screen, soften and minimise the building bulk when viewed from the adjoining properties, streets, waterways and land zoned for public recreation.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 1,481,024		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 14,070
Section 7.12 Planning and Administration	0.05%	\$ 741
Total	1%	\$ 14,810

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.

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 DA2018/1677 for Demolition works, construction of a dwelling house on land at Lot B DP 369969, 40 Starkey Street, FORESTVILLE, 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
02/09 - Issue: F - Site Plan	12.11.18	Fyffe Design Services
03/09 - Issue: F - Ground Floor	12.11.18	Fyffe Design Services
04/09 - Issue: F - First Floor Plan	12.11.18	Fyffe Design Services
05/09 - Issue: F - Roof Plan	12.11.18	Fyffe Design Services
06/09 - Issue: F - Elevations	12.11.18	Fyffe Design Services
07/09 - Issue: F - Elevations	12.11.18	Fyffe Design Services
08/09 - Issue: F - Sections	12.11.18	Fyffe Design Services
01/01 - Demolition Plan	19/07/18	Fyffe Design Services

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate Certificate number: 964185S	24 September 2018	Energy Ratings Australia Pty Ltd

Nathers Certificate Certificate number: 0003200771	24 September 2018	Energy Ratings Australia Pty Ltd
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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:

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 of 7 - Rev: C - Site Plan / Landscape Area Calculations	09/08/18	Edwards Landscapes Pty Ltd
L-02 of 7 - Rev: C - Zone A Detail Plan	09/08/18	Edwards Landscapes Pty Ltd
L-03 of 7 - Rev: C - Zone B Detail Plan	09/08/18	Edwards Landscapes Pty Ltd
L-04 of 7 - Rev: C - Zone A Planting Plan	09/08/18	Edwards Landscapes Pty Ltd
L-05 of 7 - Rev: C - Zone B Planting Plan	09/08/18	Edwards Landscapes Pty Ltd
L-06 of 7 - Rev: C - Sectional Elevations	09/08/18	Edwards Landscapes Pty Ltd

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Work Statement and Waste Management Plan: 40 Starkey St, Forestville	No date	Dhilas Excavation & Demolition Pty Ltd

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

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

2. **Amendments to the approved plans**

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

- Window AS1012 located on the south elevation is to be of frosted glass.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

3. **Approved Land Use**

No consent is given or implied for the use of the premises for anything other than a Dwelling
DA2018/1677

House as defined by the WLEP 2011.

A Dwelling House is defined as:

“dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.”

(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.

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

updated information.

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

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

Reason: Legislative Requirement

5. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 1,481,024.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 14,069.73
Section 7.12 Planning and Administration	0.05%	\$ 740.51
Total	1%	\$ 14,810.24

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 Contributions Plan 2018.

7. **Security Bond**

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

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

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

8. On-site Stormwater Detention Compliance

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850 and the concept drawing by StormCivil, Job Number 303036, drawing number D1-2 dated 15/8/2018. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

9. Vehicle Crossings Application

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. 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.

11. 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. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the

development.

12. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

14. **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.

15. **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 25mm 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 25mm 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. 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.

17. Vehicle Crossings

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property.

18. 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.

19. 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

20. Authorisation of Legal Documentation Required for Onsite Detention

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

21. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

22. **Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces

23. **On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council.

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 stormwater disposal is constructed to Council's satisfaction. (DACENF10)

24. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

25. **Required Planting**

Trees, shrubs and groundcovers shall be planted generally in accordance with the Landscape Plans drawing numbers L-04 and L-05 prepared by Edwards Landscapes Pty Ltd Revision C 9/08/2018.

Reason: To maintain environmental amenity.

26. **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)

27. **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.