

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0844
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 10 DP 1188089, 230 Barrenjoey Road NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Furracabad Station Pty Ltd
Applicant:	David Lowe

Application lodged:	07/08/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	16/08/2019 to 30/08/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 299,450.00
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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 21 Development Control Plan - B4.17 Littoral Rainforest - Endangered Ecological Community
 Pittwater 21 Development Control Plan - C1.23 Eaves
 Pittwater 21 Development Control Plan - D10.8 Side and rear building line (excluding Newport Commercial Centre)
 Pittwater 21 Development Control Plan - D10.11 Building envelope (excluding Newport Commercial Centre)

SITE DESCRIPTION

Property Description:	Lot 10 DP 1188089 , 230 Barrenjoey Road NEWPORT NSW 2106
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Barrenjoey Road, Newport.</p> <p>The site is irregular in shape with a frontage of 16.5m to Barrenjoey Road and a maximum depth of 123.22m along the northern side boundary. The site has a surveyed area of 1962m².</p> <p>The site is located in the E4 Environmental Living zone and accommodates a one storey dwelling house, of which contains a lower and upper ground floor built within the natural landform.</p> <p>The site experiences a fall of approximately 38m that slopes towards the western front boundary and accommodates some significant vegetation throughout the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by one, two and three storey detached dwelling houses.</p>

Map:



SITE HISTORY

The site has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- Application **N0286/17** for the construction of a pool and decking. This application was withdrawn on 22 August 2017.

A site visit was undertaken on 16 August 2019.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to a dwelling house. Specifically, the development comprises alterations to the upper ground floor and the addition of a first floor.

The proposed works to the upper ground floor comprise of alterations to the existing robe and the construction of an internal stair case to provide access to the proposed first floor.

The proposed first floor comprises:

- A bathroom;
- A study;
- An attached balcony on the eastern and southern elevation; and
- An attached balcony on the western elevation.

No trees would be removed or impacted by the proposed development.

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)(iia) – 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>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</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 Pittwater 21 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

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 1 submission/s from:

Name:	Address:
Rudi Valla	2/23 Karloo Parade NEWPORT NSW 2106

One (1) submission was received during the Notification Period. The submission was made on behalf of the property owner which adjoins the subject site's eastern rear boundary at 18 Karloo Parade, Newport.

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

- Concerns that the existing deck located at the rear of the subject site encroaches into the eastern adjoining property 20 Karloo Parade;
- Concerns that a chain wire mesh fence located along the rear boundary between 230 Barrenjoey Road, 18 Karloo Parade and 20 Karloo Parade was taken down during previous construction works at 230 Barrenjoey Road. Furthermore, the letter stated that an unsecured open pool palisade fence has been constructed along the boundary as a replacement.
- Concerns that building equipment, materials and waste will be stored on the adjoining properties 18 and 20 Karloo Parade; and
- Concerns that unauthorised access to the adjoining properties 18 and 20 Karloo Parade would occur during the development, as a result of the unsecured fencing.

The matters raised within the submission are addressed as follows:

- A condition has been recommended with this consent requiring the persons benefiting from this consent to provide a Boundary Survey prepared by a Registered Surveyor to the Certifying Authority prior to the issue of any Construction Certificate to ensure that all structures are located wholly within the property boundaries;
- A condition has been recommended with this consent requiring all building equipment, materials and waste to be stored wholly within the property boundaries;
- A condition has been recommended with this consent requiring the person responsible for the development site to erect or install a temporary structure or appliance on or around the development area to prevent unauthorised access to the site or adjoining properties; and
- Council notes that the concerns regarding the eastern rear boundary fence are a civil matter and fall under the provisions of the *Dividing Fences Act 1991 No 72*. All matters regarding the design, construction and replacement of the boundary fence are to be agreed upon by all

adjoining land owners subject to the concern.

REFERRALS

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p>This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP B4.17 Littoral Rainforest EEC.</p> <p>The proposal is for the alterations and additions to the existing dwelling including a new second floor addition. The proposed works are wholly within the footprint of the existing dwelling. The existing concrete driveway area will be used to store materials and waste throughout construction. No native trees or vegetation will be impacted or removed. The proposal is in accordance with biodiversity controls.</p> <p>Council's Natural Environment - Biodiversity section supports the application.</p>
NECC (Development Engineering)	<p>The site is located in Geotechnical Hazard H1 Areas, an "Acceptable Risk Management" level is achievable in accordance with the geotechnical report provided by White geotechnical group. In addition, no OSD is required.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

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. A351696 dated 12 July 2019). 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.

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	7.26m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	No change (West)	N/A	N/A
Rear building line	6.5m	3.93m (East)	39.54%	No
Side building line	2.5m	8.55m (South)	-	Yes
	1m	2.61m (North)	-	Yes
Building envelope	3.5m	Within envelope (South)	-	Yes
	3.5m	One encroachment with a maximum height of 0.25m at a length of 3.69m (North)	7.14%	No
Landscaped area	60%	Unchanged	N/A	N/A

***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
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.17 Littoral Rainforest - Endangered Ecological Community	Yes	Yes
B5.12 Stormwater Drainage Systems and Natural Watercourses	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.3 Construction and Demolition - Waste Minimisation	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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	No	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.3 Scenic protection - General	Yes	Yes
D10.4 Building colours and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	Yes	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

Detailed Assessment

B4.17 Littoral Rainforest - Endangered Ecological Community

A small portion within the south-eastern corner of the subject site is mapped as being located within the Littoral Rainforest Endangered Ecological Community (LREEC). It is noted that no works are proposed within this area, therefore the proposed development will result in negligible environmental impacts to the LREEC.

C1.23 Eaves

Description of non-compliance

Clause C1.23 of the Pittwater21 Development Control Plan (P21DCP) stipulates that dwellings shall incorporate eaves on all elevations at a minimum width of 450mm. The proposal does not provide eaves on the northern and southern elevations, which fails to comply with this Control. It is noted that an operable timber louvre system is proposed across the entire northern elevation to ensure that appropriate solar shading is achieved.

Merit Assessment

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

- *Housing that reflects the coastal heritage and character of Pittwater.*

Comment:

The proposed development maintains the architectural design of the existing dwelling. Furthermore, the proposal utilises external finishes and materials that are compatible with Clause 10.4 of the P21DCP, the existing dwelling house and the surrounding development.

- *Optimise roof forms.*

Comment:

The proposed first floor addition will provide a north/south directional roof pitch that is consistent with the existing roof form.

- *Appropriate solar access and shading is achieved.*

Comment:

As discussed above, the windows located along the northern elevation of the proposed first floor will be accompanied by an operable timber louvre system to ensure that appropriate solar shading is achieved. The windows located on the southern elevation will not have direct sunlight access, therefore are not considered to warrant sun shading devices.

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

Description of non-compliance

Clause D10.8 of the P21DCP stipulates that dwelling houses within the E4 Environmental Living zone shall provide a rear boundary setback of at least 6.5m. The proposed first floor addition would be setback 3.93m from the eastern rear boundary, which fails to comply with the 6.5m Control. It is noted that the existing deck on the north-eastern elevation of the upper first floor maintains a 0m setback from the eastern rear boundary.

Merit Assessment

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposal is consistent with the desired character statement of the Newport locality.

- *The bulk and scale of the built form is minimised.*

Comment:

The proposed first floor addition is contained wholly within the existing building footprint and setback

from the existing front and rear building line. As such, it is considered that the bulk and scale of the proposal is minimised.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

The proposed development is compliant by virtue of the 8.5m building height development standard. Therefore, the proposal will allow for the equitable preservation of views and vistas to and from private and public spaces.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

Comment:

As discussed above, the proposal will allow for the equitable preservation of views and vistas to and from public and private spaces. The proposal provides a suitable design to ensure that the overall bulk and scale of the development is minimised.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment:

The proposed first floor addition is compliant by virtue of the side setback controls and is well setback from the established front and rear building line. As such, it is considered that the proposal allows for a reasonable level of privacy, amenity and solar access to be maintained within the subject site and adjoining properties.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

The proposed development is contained wholly within the existing building footprint and does not result in the removal of trees or vegetation.

- *Flexibility in the siting of buildings and access.*

Comment:

The overall siting of the existing dwelling will not be modified. Furthermore, the current access methods will be maintained throughout the site.

- *Vegetation is retained and enhanced to visually reduce the built form*

Comment:

The proposal does not result in the removal of trees or vegetation. The site is sufficiently landscaped and the dwelling is setback approximately 96m from Barrenjoey Road, thus not visible from the street.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

The surrounding and adjoining development is characterised by residential development.

D10.11 Building envelope (excluding Newport Commercial Centre)

Description of non-compliance

Clause D10.11 of the P21DCP stipulates that roofs are to be projected at 45 degrees from a height of 3.5m above the existing ground level at the side boundaries. The proposal encroaches into the building envelope control along the northern elevation, at a maximum height of 0.25m for a length of 3.69m.

Merit Assessment

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposal is consistent with the desired character statement of the Newport locality.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment:

As previously discussed, the proposal is located approximately 96m from the western front boundary and not visible from Barrenjoey Road. As such, it is considered that no visual impacts to the streetscape will arise as a result of the proposed development. The proposal is compliant by virtue of the 8.5m building height development standard and is sited well below the established mature trees within the subject site and adjoining properties.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment:

The proposal will not result in the removal of any trees or vegetation. As such, it is considered that the proposal sensitively relates to the spatial characteristics of the natural environment.

- *The bulk and scale of the built form is minimised.*

Comment:

As previously discussed, the proposed first floor addition is contained wholly within the existing building footprint and setback from the established front and rear building line. As such, it is considered that the bulk and scale of the proposal is minimised.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

As previously discussed, the proposal is compliant by virtue of the 8.5m building height development standard. Therefore, the proposal will allow for the equitable preservation of views and vistas to and from public places.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment:

As previously discussed, the proposed first floor addition is compliant by virtue of the side setback controls and is well setback from the established front and rear building line. As such, it is considered that the proposal allows for a reasonable level of privacy, amenity and solar access to be maintained within the subject site and adjoining properties.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

As previously discussed, the proposal does not result in the removal of trees or vegetation. The site is sufficiently landscaped and the dwelling is setback approximately 96m from Barrenjoey Road, thus not visible from the street.

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 Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$2,995 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$299,450.

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 DA2019/0844 for Alterations and additions to a dwelling house on land at Lot 10 DP 1188089, 230 Barrenjoey 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

DA100 Revision 6 - SITE PLAN & ANALYSIS	10 July 2019	James Garvan Architecture
DA201 Revision 6 - PROPOSED FIRST FLOOR PLAN	10 July 2019	James Garvan Architecture
DA202 Revision 6 - PROPOSED SECOND FLOOR PLAN	10 July 2019	James Garvan Architecture
DA203 Revision 6 - PROPOSED ROOF PLAN	10 July 2019	James Garvan Architecture
DA300 Revision 6 - SECTIONS 01 & 02	10 July 2019	James Garvan Architecture
DA301 Revision 6 - SECTION 03	10 July 2019	James Garvan Architecture
DA400 Revision 6 - ELEVATIONS SOUTH	10 July 2019	James Garvan Architecture
DA401 Revision 6 - ELEVATIONS WEST	10 July 2019	James Garvan Architecture
DA402 Revision 6 - ELEVATIONS NORTH	10 July 2019	James Garvan Architecture
DA403 Revision 6 - ELEVATIONS EAST	10 July 2019	James Garvan Architecture

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report	30 July 2019	White Geotechnical Group
BASIX Certificate No. A351696	12 July 2019	Outsource Ideas P/I

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

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	05 May 2019	Vaughan Milligan Development Consulting

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. Prescribed Conditions

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

3. 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

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,994.50 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$299,450.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or

Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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 the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

5. **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).

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

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

6. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's PITTWATER DCP21.

A certificate is to be provided to the Principal Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the

existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

Details demonstrating compliance are to be submitted to the Principal 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.

7. 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.

8. Boundary Survey

A Boundary Survey prepared by a Registered Surveyor shall be provided as evidence that all buildings are within the appropriate property, easement boundaries and rights of carriageway.

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

Reason: To ensure the accurate location of buildings in relation to boundaries, easements and rights of way.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. 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.

10. Storage of Building Equipment, Materials and Waste

No building equipment, materials and builders waste is to be placed or stored on adjoining properties.

Reason: To conserve the amenity of adjoining properties.

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

11. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the

development.

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

Signed



Thomas Burns, Planner

The application is determined on 03/09/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments