

17 January 2025

Northern Beaches Council
PO Box 82
Manly NSW 1655

Sent via NSW planning portal

Dear Sir/Madam,

BUILDING INFORMATION CERTIFICATE – UNAUTHORISED WORKS
133 STARKEY STREET, KILLARNEY HEIGHTS (LOT 83 DP215008)

This application for a Building Information Certificate (**BIC**) under Division 6.7 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* is made regarding the:

- Correspondence between Northern Beaches Council (the **Council**) and the owner of 133 Starkey Street, Killarney Heights (the Site) for unauthorised works (**BLD2024/01435**) and
- Subsequent inspection of the Site and unauthorised works on Site with Council on 7 January 2025

Works were undertaken to the dwelling, carport and attached pergola on the Site. These works were minor; however, they have increased in habitable floor area and were undertaken without development approval.

The works are documented in the Site survey, and the as-built plan is set under separate cover, also listed in **Table 1** below.

Table 1: Plans of works as built

| DWG no. | Name | Rev. | Date | Prepared by |
|---------|---|------|------------|------------------------|
| 12157 | SITE SURVEY OF No. 133, STARKEY STREET, KILLARNEY HEIGHTS BEING LOT 83 IN DP 215008 | A | 12/12/2024 | ATS Land & Engineering |
| AB-01 | Site Survey Plan | 01 | 15/01/2025 | All Dimensions |
| AB-02 | Site Plan | 01 | 15/01/2025 | All Dimensions |
| AB-03 | Floor Plan | 01 | 15/01/2025 | All Dimensions |
| AB-04 | Roof Plan | 01 | 15/01/2025 | All Dimensions |
| AB-05 | Landscape Area Plan | 01 | 15/01/2025 | All Dimensions |
| AB-06 | As-Built Sections | 01 | 15/01/2025 | All Dimensions |
| AB-07 | As-built Elevations | 01 | 15/01/2025 | All Dimensions |

The works were undertaken in accordance with the necessary planning, building and structural standards:

- Planning Assessment against *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*– refer to **Attachment 1**
- Building and Structural Standards – refer to the following under separate cover:
 - Structural Engineers Certificate
 - Waterproofing Certificate
 - Stormwater Certificate
 - Gas Certificate

On this basis, it is requested that the Council issue a BIC To document and 'recognise' the works undertaken at the Site.

Please contact the undersigned at 0403 356 121 or via email at nem.planningservices@gmail.com to discuss this proposal.

Kind Regards,

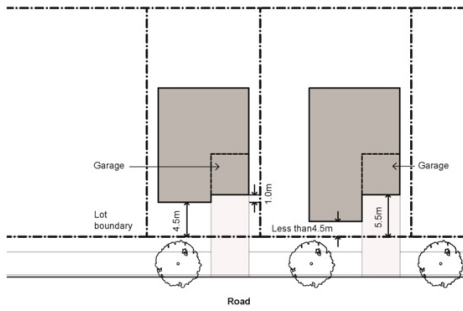
Nicole Topple
Planning Lead.

Attachment 1

Planning Assessment

The following table details that the works within this application for a BIC meet the criteria for “Complying development” in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP)*.

| Code SEPP | Comment | ✓ |
|---|--|---|
| Part 1 General | | |
| 1.4 Land to which Policy applies | Code SEPP applies to the Site. | ✓ |
| 1.17 What development is complying development? | Complies. | ✓ |
| 1.17A Requirements for complying development for all environmental planning instruments | Noted. The Site is not identified as affected by any of the matters in this section. | ✓ |
| 1.18 General requirements for complying development under this Policy | Complies. All relevant certificates are provided under separate cover. | ✓ |
| 1.19 Land on which complying development may not be carried out | Noted. Matters raised in this section are not relevant to the Site. | ✓ |
| 1.19A Land on which complying development may not be carried out—bush fire prone land | Noted. The Site is not identified as Bushfire Prone. | ✓ |
| 1.20 Suspension of covenants, agreements and instruments | Noted. | ✓ |
| Part 2 Exempt Development Codes – Not relevant. | | |
| Part 2A Transitional development under former General Housing Code and related provisions – Not relevant | | |
| Part 3 Housing Code | | |
| 3.1 Development that is complying development under this code | (1) Complies. The development comprises the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2-storey dwelling house) and any attached development, (2) Noted (3) Complies (4) not relevant. (5) Noted | ✓ |
| 3.2 Development that is not complying development under this code | Not relevant. | - |
| 3.3 Determining lot type | The Site is a Standard Lot | ✓ |
| 3.4 Complying development on bush fire prone land | Noted. Not relevant The Site is not Bushfire Prone | ✓ |
| 3.5 Complying development on flood control lots | Noted. The Site is not a Flood Control Lot. | ✓ |
| 3.6 (Repealed) | - | - |
| 3.7 Application of Division | Noted. Division applies. | ✓ |
| 3.8 Maximum building height | Complies. | ✓ |

| Code SEPP | Comment | ✓ | | | | | | |
|--|---|---|--|-------|------|--------------|---|---|
| 3.9 Maximum gross floor area of all buildings | Complies. | ✓ | | | | | | |
| 3.10 Minimum setbacks and maximum height and length of boundary walls | Complies. <u>Dwelling:</u> Front setback – 9.34m Side setback – 0.93m <u>Carport:</u> Front setback – 10.36m Side setback – 0.93m <u>Verandah:</u> Rear Setback – 13m | ✓ | | | | | | |
| 3.11 Exceptions to setbacks | Not relevant | - | | | | | | |
| 3.12 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—general | Not relevant | - | | | | | | |
| 3.13 Minimum landscaped area | Complies. | ✓ | | | | | | |
| 3.14 Building design | Complies. | ✓ | | | | | | |
| 3.15 Privacy screens for windows and certain attached development | Not relevant | - | | | | | | |
| 3.16 Car parking and vehicle access requirements | <div>(5) An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table—<table><tr><th>Setback of dwelling house from primary road</th><th>Minimum off-street parking setback from primary road</th></tr><tr><td><4.5m</td><td>5.5m</td></tr><tr><td>4.5m or more</td><td>1m or more behind the building line of the dwelling house</td></tr></table></div> <div>Complies.</div> <div>Carport setback 10.36m form the primary road frontage (measured from primary road frontage property boundary and carport column).</div> <div>Carport setback 1.02m from the building line</div> | Setback of dwelling house from primary road | Minimum off-street parking setback from primary road | <4.5m | 5.5m | 4.5m or more | 1m or more behind the building line of the dwelling house | ✓ |
| Setback of dwelling house from primary road | Minimum off-street parking setback from primary road | | | | | | | |
| <4.5m | 5.5m | | | | | | | |
| 4.5m or more | 1m or more behind the building line of the dwelling house | | | | | | | |
| 3.14-3.34 | Not relevant. | - | | | | | | |
| Part 3A-9 – Not relevant | | | | | | | | |