

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0739
----------------------------	-------------

<b>Responsible Officer</b>	Sarah McNeilly (Consultant Planner)
<b>Land to be developed (address)</b>	Lot 3 DP16078 193 Headland Rd, North Curl Curl
<b>Proposed Development</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	R2 Low Density Residential (WLEP2011)
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Robert Warren Natalie Warren
<b>Applicant:</b>	Rapid Plans

<b>Application lodged:</b>	11 July 2019
<b>Application Type:</b>	Local
<b>State Reporting category:</b>	Residential – Alterations and Additions
<b>Notified:</b>	24/07/2019 to 07/08/2019
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$72,000
---------------------------------	----------

### EXECUTIVE SUMMARY

This application has been referred to the Northern Beaches Local Planning Panel as the development site is owned by a Councillor. The development includes internal alterations and a small addition to the first floor on the northern side to provide an additional bedroom for the existing two storey dwelling. The development includes small breaches to the wall height and building envelope controls.

This report recommends that the consent authority, approves Development Application No. DA2019/0739 for alterations and additions to an existing dwelling house at Lot 3 DP16078,

193 Headland Rd, North Curl Curl subject to the conditions and for the reasons set out in the Assessment Report.

## 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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan – B3 Side Boundary Envelope

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 3 DP16078 193 Headland Rd, North Curl Curl
<b>Detailed Site Description:</b>	<p>The subject site is located on the southern side of Headland Road, opposite its intersection with Quirk Road in North Curl Curl. The site is irregularly shaped with a splayed frontage to Headland Road of 19.93m , rear boundary of 17.92 metres and side boundaries of 34.608 m (west) and 29.775 m (east). The lot has an area of 543.8m<sup>2</sup>.</p> <p>The site is zoned R2 Low Density Residential and is currently developed with a two storey split level dwelling constructed with a metal roof. A double carport is provided on the street frontage. The site slopes away from Headland Road with a terraced sloping yard.</p> <p>The site does not contain any significant canopy trees or significant vegetation, with some turf within the frontage of the site which enclosed by a timber and masonry fence.</p>

	<p><b>Detailed Description of Adjoining/Surrounding</b></p> <p>Development Adjoining and surrounding development is characterised by single, two and three storey dwellings with landscape gardens and associated outbuildings/structures.</p>
--	--



## SITE HISTORY

The land has been used for residential purposes for an extended period of time. The following applications were found within Council records.

### **Development Application DA2011/0265**

Alterations and additions to an existing dwelling house – withdrawn

### **Development Application DA2011/0629**

Alterations and additions to an existing dwelling house – approved 05/07/2011

## PROPOSED DEVELOPMENT IN DETAIL

The Development Application seeks consent for alterations and additions to the existing dwelling. The development proposes horizontal cladding finishes with a sheet metal roof.

The details of the proposal include:

### **Alterations and additions to the existing dwelling**

#### *Lower Ground Floor*

- No changes proposed

#### *Ground level*

- New kitchen wall cabinets within existing floor plan

#### *First Floor*

- New bedroom located at front of dwelling in northern corner
- Reconfiguration of Bedroom 2, bathroom and hallway

Works are contained internally and in the northern upper level of the existing dwelling.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

<b>Section 4.15 'Matters for Consideration'</b>	<b>Comments</b>
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	Not 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 regulations	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. Should the Development Application be approved, these matters will be addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. Should the Development Application be approved, this matter will be addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. Should the Development Application be approved, this matter will be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Should the Development Application be approved, this matter will be 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>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>The proposed development will not have a detrimental impact on the built environment.</p> <p>The proposed development will not have a detrimental social impact on the locality.</p> <p>The proposed development will not have a detrimental economic impact on the locality.</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	The application was notified for a period of 14 days from 24/07/2019 to 07/08/2019. The public exhibition resulted in no objections.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	The proposal presents a design which well addresses the public street and neighbouring properties. The application is a positive contribution to Headland Road and the development is not at odds with the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan. As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

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

## REFERRALS

### *Internal Referrals*

Referral Body Internal	Comments	Consent Recommended
Engineer	The application was referred to Council's development engineer. The following response was provided:  <i>No objections are raised to the proposed development subject to conditions.</i>	Yes

### *External Referrals*

No external referrals were required.

## 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 number A322880\_02 dated 28 June 2019 has been submitted for the alterations and additions to the dwelling.

The certificates indicate compliance with the state government's requirements for sustainability.

## **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**

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation</b>	<b>Complies</b>
Height of Buildings	8.5 metres	8.324	-	Yes

### **Compliance Assessment**

<b>Clause</b>	<b>Compliance with Requirements</b>
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

### **Detailed Assessment**

## **Zone R2 Low Density Development Residential**

Land use definition: WLEP 2011	Permitted or Prohibited
Dwelling house	Permitted with consent

### Zone objectives

The objectives of the R2 Low Density Residential zone are:

- *"To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah*

The proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone being minimal in scale, within the existing footprint, and presenting well to the street frontage and neighbouring sites.

### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
B1 Wall Height	7.2m	New works western wall 6.8 – 7.9m	9.7%	No
B3 Side Boundary Envelope	East: 5m x 45°	No change	N/A	Yes
	West: 5m x 45°	Encroachment (Max – 0.6m at Southern end decreasing to 0.1m (eaves) at frontage, over a length of 4.5 metres)	12%	No
B5 Side Boundary Setbacks	East: 0.9m	N/A	N/A	Yes
	West: 0.9m	Basement-unchanged  Ground floor – Unchanged  First Floor - 1.322m-2.557m	N/A	Yes



B7 Front Boundary Setbacks	6.5m	Ground floor – Unchanged	N/A	Yes
		First Floor - 5.881- 9.474m (new works 8 m – 9.474m)	N/A	Yes
B9 Rear Setback	6m	13.4m	N/A	Yes
D1 Landscaped Open Space and Bushland setting	40% (217.52m <sup>2</sup> )	45% (244.35m <sup>2</sup> )	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	N/A	Yes
B1 Wall Height	No	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side boundary envelope exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side setbacks - R2	Yes	Yes
Side Setback Exceptions – R2	N/A	N/A
R2 – All other land in R2 zone	Yes	Yes
B7 Front Boundary Setbacks	N/A	N/A
R2 – all other land in R2	Yes	Yes
Front Boundary Setbacks exemptions - R2	N/A	N/A
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
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

## Detailed Assessment

### **B1 Wall Height**

#### Description of Non-compliance

The proposed wall height exceeds the control (7.2m) by only 0.7m on the western elevation where the new bedroom 3 is proposed.

#### Merit consideration

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

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

#### Comment:

The proposed development has minimally varied to the control through the inclusion of a second storey above an existing single storey structure on a sloping site. The small length of 4.5 metres essentially complies at the street frontage and drops away as the site falls resulting in a small noncompliance at the southern end of the addition. Given the above it is considered the proposal will ensure the visual impact of the development is minimal and appropriate ensuring compliance with this merit consideration.

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

#### Comment:

The proposed development sits well below the existing tree canopy level. Given the above it is considered that the proposal will demonstrate compliance with this merit consideration.

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

#### Comment:

The proposed development is consistent with the adjoining and surrounding dwellings in relation to height (overall) and bulk and scale ensuring reasonable sharing of views are maintained. Given the above it is considered that the proposal will demonstrate compliance with this merit consideration.

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

#### Comment:

The proposed development is consistent with the adjoining and surrounding dwellings in relation to height (overall) and bulk and scale ensuring reasonable sharing of views are maintained. Given the above it is considered that the proposal will demonstrate compliance with this merit consideration.

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

#### Comment:

The proposed development is above an existing single storey element of the dwelling and has been designed to complement the existing dwelling, form and roof line. Given the above it is considered that the proposal will demonstrate compliance with this merit consideration.

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

Comment:

The proposed new roof is consistent with the existing dwelling which ensures consistency with this merit consideration.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in S1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

**B3 Side Boundary Envelope Description of non-compliance**

The proposal exceeds the envelope control on the side boundary envelope through the inclusion of a second storey above an existing single storey structure on a sloping site. The length of 4.5 metres essentially complies at the street frontage, with eaves only outside the envelope, and drops away as the site falls resulting in a small noncompliance at the southern end of the addition of 0.6m.

Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

It is considered that the resultant development is consistent with the surrounding residential development within the vicinity with neighbours primarily presenting as 2 storey dwellings. The design demonstrates sufficient articulation and demonstrates good setbacks to all boundaries ensuring compliance with this merit consideration.

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

Comment:

The design is sufficiently setback to all boundaries and oriented ensuring adjoining properties will enjoy adequate light, solar access and privacy. Given the above it is considered that the proposal will demonstrate compliance with this merit consideration.

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

### Comment:

The proposed development is above an existing single storey element of the dwelling and has been designed to complement the existing dwelling, form and roof line. Given the above it is considered that the proposal will demonstrate compliance with this merit consideration.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not supported, in this particular circumstance.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect 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 Development Contribution Plan 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019. A monetary contribution of \$720 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$72,000.

## **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.

The proposal has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application, and

does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2011, Warringah Development Control Plan and the relevant codes and policies of Council. In consideration of the proposal and the merit consideration 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 of the relevant EPI's
- Consistent with the objects specified in S.5(a)(i) and (ii) 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 Northern Beaches Local Planning Panel as the consent authority APPROVE Development Consent to DA2019/0739 for alterations and additions to an existing dwelling house Lot 3 DP16078, 193 Headland Rd, North Curl Curl, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Survey Plan	Undated	DA Surveys
DA 1003 Site Plan	28/06/2019	Rapid Plans
DA1004 Existing Lower Ground Floor Plan	28/06/2019	Rapid Plans
DA1005 Existing Ground Floor Plan	28/06/2019	Rapid Plans
DA1006 Existing First Floor Plan	28/06/2019	Rapid Plans
DA1007 Demolition Lower Ground Floor Plan	28/06/2019	Rapid Plans
DA1008 Demolition Ground Floor Plan	28/06/2019	Rapid Plans
DA1009 Demolition First Floor	28/06/2019	Rapid Plans
DA1010 Landscape Open Space Plan	28/06/2019	Rapid Plans
DA1011 Landscape Plan	28/06/2019	Rapid Plans
DA1012 Sediment & Erosion Control Plan	28/06/2019	Rapid Plans
DA1013 Waste Management Plan	28/06/2019	Rapid Plans
DA1014 Stormwater Plan	28/06/2019	Rapid Plans
DA2001 Basement/ Lower Ground Floor Plan	28/06/2019	Rapid Plans
DA2002 Ground Floor Plan	28/06/2019	Rapid Plans
DA2003 First Floor Plan	28/06/2019	Rapid Plans
DA2004 Roof Plan	28/06/2019	Rapid Plans
DA3001 Section 1	28/06/2019	Rapid Plans
DA3002 Section 2	28/06/2019	Rapid Plans
DA4001 Elevations 1	28/06/2019	Rapid Plans
DA4002 Elevations 2	28/06/2019	Rapid Plans
DA4003 Elevations 3	28/06/2019	Rapid Plans
DA5001 Perspective	28/06/2019	Rapid Plans
DA5002 Materials & Colour Sample Board	28/06/2019	Rapid Plans

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Hydraulic Engineering Plan1	10/09/2018	Civil & Structural Engineering Design Services Pty Ltd

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Preliminary Geotechnical Assessment	06/06/2019	White Geotechnical Group
Statement of Environmental Effects	28/06/2019	Rapid Plans

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	09/07/2019	Rapid Plans

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**

- (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.

### 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. **Security Bond**

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

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

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

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

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

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

### 5. **Stormwater Disposal from Low Level Property**

The Applicant is to demonstrate stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Warringah Water Management Policy PL 850 in particular the Stormwater Drainage from Low Level Properties Technical Specification. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern

Beaches Council's Warringah Water Management Policy PL 850 are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

**6. 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.

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

**7. 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.

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

**8. Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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