

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0383
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 19 DP 12667, 3 Summit Avenue DEE WHY NSW 2099
Proposed Development:	Alterations and Additions to an existing 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:	Carl Sakellaris
Applicant:	Carl Sakellaris

Application lodged:	13/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	15/03/2018 to 03/04/2018
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 385,950.00
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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

Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D13 Front Fences and Front Walls

SITE DESCRIPTION

Property Description:	Lot 19 DP 12667 , 3 Summit Avenue DEE WHY NSW 2099
Detailed Site Description:	<p>The site is located on the southern side of Summit Avenue, Dee Why and is upon land zoned for R2 Low Density Residential development pursuant to the Warringah Local Environmental Plan 2011.</p> <p>The allotment is regular in shape and has a street frontages of 17.3m, depths of 34m and an overall surveyed area of 593.1m².</p> <p>The existing dwelling on site is located forward of the standard building alignment in the street and is two storeys. An in-ground swimming pool and pavement lies between the dwelling and the front boundary. An existing driveway runs parallel to the western boundary of the site.</p> <p>The rear of the site has a large covered patio leading onto a flat lawned area.</p> <p>Topographically the site inclines from north to south (front to rear) by approximately 2.0m.</p> <p>Other surrounding developments consist of detached dwelling houses of varying age, size and construction.</p>

Map:



SITE HISTORY

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

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

PROPOSED DEVELOPMENT IN DETAIL

The development application is for alterations and additions to the existing detached two storey dwelling house.

The works proposed comprise of:

- Reconstruction of the driveway crossing and driveway;
- Construction of a tandem garage and storeroom on the western boundary;
- Extension of the dwelling at the ground floor to the south to enclose the existing patio area;
- Internal reconfiguration of the dwelling;
- Construction of new internal stairwell and clerestorey window element;
- New roof and awning structure to the ground floor;
- Construction of trellis roofing and screening on the two front balconies.
- Replacing front fence

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 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>Division 8A 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 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> <p><u>Clause 92</u> 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><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 Warringah Development Control Plan 2011 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 Matters for Consideration'	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mrs Jovanka Injac	5 Summit Avenue DEE WHY NSW 2099
Sue Injac	5 Summit Avenue DEE WHY NSW 2099

During the assessment of this application one submission was received from an adjoining property which raised the following concerns with the proposal:

- Awning extension
- Bulk from balcony screening
- Acoustics

Council visited the objector on Monday 30 April to discuss the submission and the concerns. The issues are addressed as follows:

Awning extension

The objector was concerned that the proposed front awning may be larger than is present. The architectural plans demonstrate that the plans are replacing the existing awning and not enlarging it, accordingly this matter does not warrant the refusal of the application.

Bulk from balcony screening

The objector was concerned that the proposed screening for the front first floor balconies may give rise to excessive bulk and scale. It is acknowledged that these screens may give rise to additional bulk and scale, however this reason alone is not sufficient for the removal of the screens. Given that the screens are encroaching within the front boundary setback area and appear to serve no particular purpose other than aesthetic treatment, it is would warranted to remove these screens and associated trellis structure by way of condition.

Accordingly, this matter is resolved by way of condition.

Acoustics

The objector was concerned that the proposed location of the laundry door may give rise to unacceptable acoustic impacts upon their property. This assessment finds that the location of the laundry is acceptable, and it is not considered that it will give rise to any acoustic impacts.

Accordingly, this matter does not warrant the refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	No Development Engineering objection is raised to the proposed development.
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. A307857 dated 20 February 2018).

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	8.35m	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	% Variation*	Complies
B1 Wall height	7.2m	6.2m	-	Yes
B3 Side Boundary Envelope	East - 5.0m	No encroachment	-	Yes
	West - 5.0m	No encroachment	-	Yes
B5 Side Boundary Setbacks	East - 0.9m	1m - 1.15m	-	Yes
	West - 0.9m	nil	100%	No
B7 Front Boundary Setbacks	6.5m	4.5m (entire length of building)	30.8%	No
B9 Rear Boundary Setbacks	6.0m	10.4m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (237.2m ²)	35.5% (210.7m ²)	11.2% (26.5m ²)	No

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	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	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	No	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D13 Front Fences and Front Walls	No	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

The development proposes to retain the existing nil side boundary setback to the western edge of the site in order to accommodate tandem car parking spaces. An assessment of the variation sought against the control objects follows:

- ***To provide opportunities for deep soil landscape areas.***

Comment: The proposed development is not reducing the provision of landscaped open space available on the site further than what already exists (and is approved). Accordingly it is considered that the variation does not warrant the refusal on the basis of this objective.

- ***To ensure that development does not become visually dominant.***

Comment: The structure proposed along the western boundary of the site varies in height and, for the most part, is aligned with the height of a 1.8m side boundary fence. As is with many other parts of this development, the works sought along the boundary are essentially a replacement of what is already on the site. Accordingly it is not found that the garage is in contravention to this objective.

It is however considered that the extension of the front awning in front of the garage door is unnecessarily excessive and creates additional visual bulk. This report therefore recommends that the alignment of the front awning be reduced to not protrude in front of the garage door.

- ***To ensure that the scale and bulk of buildings is minimised.***

Comment: Subject to the conditions recommended in this report as above, it is found that the development and garage structure will be of an acceptable scale and bulk.

- ***To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.***

Comment: Despite having a nil side boundary setback, the spatial separation between living areas of Nos. 1 and 3 Summit Avenue is sufficient to ensure that a reasonable level of amenity

is maintained.

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

Comment: The encroachment will not give rise to any adverse or unreasonable view loss impacts upon adjoining properties.

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

B7 Front Boundary Setbacks

The entire dwelling at present and as proposed encroaches the 6.5m front boundary setback alignment. This application seeks to replace the existing ground floor awning fronting the street in a like-for-like fashion, retaining the existing and approved setback line. In addition, the application seeks the addition of privacy screening and a trellis roof structure over the two first floor balconies.

An assessment of the variations sought against the control objectives is below:

- ***To create a sense of openness.***

Comment: The replacement of the existing awning at ground floor is considered to be acceptable in this circumstance as, despite varying the front setback control, the dwelling is already more forward than other dwellings in the streetscape and has no discernible impact on a sense of openness since it is located at ground level.

The two structures proposed on each of the first floor balconies however are considered to be detracting to the existing sense of openness when viewed from the streetscape and surrounding properties. The structures are encroaching in the front setback area and are enclosing two balconies that, at present, are open structures, and thereby it cannot be considered that they are creating a sense of openness.

Additionally, concerns regarding the enclosure of these structures was raised during the public exhibition period of this application as it could give rise to additional visual bulk.

Accordingly, it is considered warranted in this circumstance to support the ground floor awning, but delete the two additional balcony structures by way of condition.

- ***To maintain the visual continuity and pattern of buildings and landscape elements.***

Comment: The streetscape of Summit Avenue has an eclectic mix of architectural styles and dwellings of varying scales and setback. Given that the works proposed are essentially a refurbishment of the existing dwelling (with the exception of the balcony structures), the development is considered to maintain the existing visual continuity and pattern of buildings.

- ***To protect and enhance the visual quality of streetscapes and public spaces.***

Comment: Once conditioned as discussed above, the dwelling will be largely similar in visual

appearance to the existing building on site, with cosmetic and aesthetic upgrades throughout. Thereby it can be said that the development will enhance the visual quality of the streetscape.

- ***To achieve reasonable view sharing.***

Comment: The variations to the front boundary setback control do not give rise to any unreasonable nor adverse view impacts.

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

D1 Landscaped Open Space and Bushland Setting

The existing provision of non-compliant landscaped open space (LOS) is not subject to change as a part of this application, therefore the site retains the existing 11.2% (or 26.5m²) variation to the control. An assessment of the variation against the control objects follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment: The existing provision of planting within the front setback area is to remain at 0%. There are no opportunities for landscaping in this location without significant amendment to the existing swimming pool area which is not subject to change as a part of this application.

Accordingly, given that no changes are proposed, the development satisfies this objective.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment: The development will retain a large and landscaped rear garden (10.5m x 17m) that will enable opportunities for the planting and establishment of indigenous vegetation to create habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment: The rear yard of the site has sufficient space to enable to planting of vegetation of various species and scales.

- *To enhance privacy between buildings.*

Comment: The provision of privacy proposed is assessed as being satisfactory.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment: The site has sufficient outdoor recreational opportunities to meet the needs of the occupants of the dwelling.

- *To provide space for service functions, including clothes drying.*

Comment: The site has sufficient space for service functions.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment: The provision of water management proposed is assessed as being satisfactory.

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

D13 Front Fences and Front Walls

The application seeks to replace the existing front boundary wall with a new wall of similar height and finish.

Whilst a 1.8m fence along the front boundary would usually not be supported, the existence of a swimming pool in the front setback area requires the provision of a 1.8m fence for safety purposes.

Therefore, given that the proposed wall is replacing the existing wall and is required for swimming pool safety, the variation sought to the control is supported in this 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

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 385,950		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,667
Section 94A Planning and Administration	0.05%	\$ 193
Total	1%	\$ 3,860

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.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0383 for Alterations and Additions to an existing Dwelling House on land at Lot 19 DP 12667, 3 Summit Avenue, DEE WHY, 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
DA-02 Rev. A	7 March 2018	Grant Seghers
DA-03 Rev. A	7 March 2018	Grant Seghers
DA-04 Rev. A	7 March 2018	Grant Seghers
DA-05 Rev. A	7 March 2018	Grant Seghers
DA-06 Rev. A	7 March 2018	Grant Seghers

DA-07 Rev. A	7 March 2018	Grant Seghers
DA-08 Rev. A	7 March 2018	Grant Seghers
DA-09 Rev. A	7 March 2018	Grant Seghers

Engineering Plans		
Drawing No.	Dated	Prepared By
DA-11 Rev. A	7 March 2018	Grant Seghers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A307857	20 February 2018	Bradstreet Building Services

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		
Report Title	Dated	Prepared By
Waste Management Plan	9 March 2018	Vaughan Milligan

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:

- The privacy screening and timber trellis roof structure on the front balconies are to be deleted.

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. **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.

4. **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

5. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 385,950.00		
Contributions		Levy Payable

	Rate	
Total Section 94A Levy	0.95%	\$ 3,666.53
Section 94A Planning and Administration	0.05%	\$ 192.98
Total	1%	\$ 3,859.50

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's Development Contributions Plan.

6. Security Bond

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

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

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

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

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

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

7. Vehicle Crossings Application

An application for Driveway levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid. Approval 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

8. 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.

9. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) 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. (DACPLC03)

10. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. **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 Warringah 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. **Vehicle Crossings**

The provision of a vehicle crossing metres 3 wide in accordance with Northern Beaches Council Drawing No A4-3330/1 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

13. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

14. **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.

15. **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

16. **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.

17. **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.

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

Signed



Adam Mitchell, Planner

The application is determined under the delegated authority of:



Rodney Piggott, Manager Development Assessments

ATTACHMENT A

Notification Plan	Title	Date
 2018/172145	Plan - Notification	12/03/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/175156	Notification Map	15/03/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/172148	Report - BASIX Certificate	20/02/2018
 2018/172142	Plans - Survey	20/02/2018
 2018/172143	Cost Summary Report	21/02/2018
 2018/172168	Plans - Master Set	07/03/2018
 2018/172141	Owners Consent	09/03/2018
 2018/172154	Plans - Certification of Shadow Diagrams with Plans	12/03/2018
 2018/172167	Plans - Internal	12/03/2018
 2018/172145	Plan - Notification	12/03/2018
 2018/172150	Report - Waste Management	13/03/2018
 2018/172147	Report - Statement of Environmental Effects	13/03/2018
 DA2018/0383	3 Summit Avenue DEE WHY NSW 2099 - Development Application - Alterations and Additions	13/03/2018
 2018/171351	DA Acknowledgement Letter - Carl Sakellaris	13/03/2018
 2018/172135	Development Application Form	13/03/2018
 2018/172139	Applicant Details	13/03/2018
 2018/172163	Plans - Stormwater	13/03/2018
 2018/172166	Plans - External	13/03/2018
 2018/172174	DA Receipt	13/03/2018
 2018/175146	ARP Notification Map	15/03/2018
 2018/175154	DA Acknowledgement Letter (not integrated) - Carl Sakellaris	15/03/2018
 2018/175156	Notification Map	15/03/2018
 2018/175163	Notification Letter - 11	15/03/2018
 2018/213760	Online Submission - Injac	03/04/2018
 2018/213761	Online Submission - Injac	03/04/2018
 2018/214712	Submission - Injac	04/04/2018
 2018/215516	Submission Acknowledgement Letter - Jovanka Injac - SA2018/214712	04/04/2018
 2018/228207	Submission - Injac	10/04/2018
 2018/232500	Submission Acknowledgement Letter - Sue Injac - SA2018/228207	12/04/2018
 2018/284937	Stamped Plans	09/05/2018
 2018/296977	Engineering Referral Response	16/05/2018

