

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0276
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Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 15 DP 232162, 193 South Creek Road WHEELER HEIGHTS NSW 2097
Proposed Development:	Alterations & additions to an existing dwelling, fence and carport
Zoning:	LEP - 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:	Stephen John Inglis Adam Peter Lewis Roslyn Leigh Hutchinson
Applicant:	Rapid Plans Pty Ltd

Application lodged:	29/03/2016
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	08/04/2016 to 26/04/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 127,000.00
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto 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 - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D13 Front Fences and Front Walls

SITE DESCRIPTION

Property Description:	Lot 15 DP 232162 , 193 South Creek Road WHEELER HEIGHTS NSW 2097
Detailed Site Description:	The subject site is irregular in shape, has a surveyed area of 555.2m², has double street frontage to South Creek Road (primary) and Waroon Road (secondary) and is located on the south-eastern side of the road. St Mathews Farm Reserve and associated (Waroon Street) public carpark area adjoins the southern boundary of the site. A one storey dwelling and detached single garage occupies the mid portion of the site. Vehicular access to the site is provided from South Creek Road. Vegetation on site consists of grass lawn areas and three (3) small size canopy trees. The subject site is zoned R2 - Low Density Residential under Warringah Local Environmental Plan 2011 (WLEP 2011) and identified as being Land Slip Risk Map - Area A.

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

Development consent is sought for alterations and additions to the existing dwelling, including the following works:

- Partial demolition and reconstruction of the existing detached single garage and construction of a new garage and storage room within the front setback;
- Construction of new single space detached carport within the front setback;
- Extension to driveway to provide access to the detached garage and carport;
- Internal reconfiguration to existing dwelling;
- Provision of covered timber deck structures around the front and side elevations of the existing dwelling;
- Construction of a masonry timber slat front fence;
- Removal of one (1) tree to provide the parking structures;
- External materials and finishes including aluminium framed windows and doors, low pitch metal skillion roof forms, timber decking and cladged timber external walls.

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 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council

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Section 79C 'Matters for Consideration'	Comments
	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. However, an updated survey was provided to Council in response to referral comments made by Council's Development Engineer. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 93 and/or 94</u> of the EP&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. <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. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 79C (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	(i) 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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report. Note: The application was re-notified in accordance with the notification requirements of WDCP to to correct the description of development.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the

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Section 79C 'Matters for Consideration'	Comments
	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 Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	
Development Engineers	Second Assessment: Additional Survey Information Submitted 10/08/2016 The submitted survey information locating the Council stormwater pipeline that traverses the site has been assessed and is satisfactory. The architectural plans are also satisfactory subject to conditions. Conditions addressing the required sight distance for the driveway crossing have also been included. No objection to approval, subject to conditions as recommended. Original Assessment The subject site is affected by a Council drainage pipeline and easement along the northern boundary of the site. As outlined in the Development Application Checklist, the applicant is required to demonstrate compliance with Council's Policy PAS-PL 130 Building Over or Adjacent to Constructed Drainage Systems and Easements. This consists of accurately locating, confirming dimensions and plotting Council's stormwater pipelines and associated infrastructure to scale on the DA plans which show the proposed works. This should be carried out by a service locating contractor and registered surveyor. (The applicant will need to provide evidence of methodology used for locating). A plan outlining the indicative locations of Council's stormwater infrastructure is available from Warringah Council's website – Planning and Development – Applications (e services) – Planning - Planning maps – stormwater maps or follow the link below: http://www.warringah.nsw.gov.au/ePlanning/pages/xc.plan/PlanningMapsEsri.aspx?cid=&a=&l=-1) • All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be

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Internal Referral Body	Comments
	designed in accordance with the above-mentioned policy. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's policy are to be submitted. The proposed driveway access does not include sufficient sight distance to the existing shared pedestrian / bicycle path that fronts the site. In this regard the design must be amended to ensure the minimum sight lines in accordance with Figure 3.3 of AS/NZS 2890.1:2004 is achieved. This will require the proposed front fence to be reduced in width on either side of the driveway to suit. Not supported for approval due to inadequate information to address: • Section C6 Building over or adjacent to Constructed Council Drainage Easements of Council's DCP. • Section C3 Parking Facilities of council's DCP.

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. A235270_02 dated 4 December 2015). 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 Environment 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	% Variation	Complies
Height of Buildings:	8.5m	4.8m (existing dwelling)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
4.3 Height of buildings	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	3.6m (existing dwelling)	N/A	Yes
B3 Side Boundary Envelope	4m	north: within building envelope	N/A	Yes

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B5 Side Boundary Setbacks	0.9m	north: 2.442m	N/A	Yes
B7 Front Boundary Setbacks (primary frontage: South Creek Road)	6.5m	carport: 1.739m dwelling deck: 6.032m	73.3% (4.761m) 2.8% (0.18m)	No No
Secondary frontage: Waroon Road	3.5m	dwelling: 1.578m to 7.251m garage/storage: 0.3m	40.6% (1.4m) 77.1% (2.7m)	No No
B9 Rear Boundary Setbacks	N/A	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	52.3% (290.5m ²)	N/A	Yes (subject to condition)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	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
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	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
D13 Front Fences and Front Walls	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	N/A	N/A
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

South Creek Road (primary frontage)

The proposed setbacks to the South Creek Road frontage for the carport and dwelling deck are 1.739m and 6.032m, respectively, which does not comply with the minimum 6.5m setback requirement of the control.

This represents a variation of 73.3% (carport) and 2.8% (deck).

Waroon Road (secondary frontage)

The proposed setbacks to the Waroon Street frontage for the dwelling and garage/storage are 1.578m to 7.251m and 0.3m, respectively, which does not comply with the minimum 3.5m secondary street setback requirement of the control.

This represents a variation of 40.6% and 77.1%.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The non-compliance to the dwelling deck is minor, being 2.8% (0.18m) and relates to an open structure with a maximum height of 0.3m above the ground level. In this regard, the open deck structure does not detract from the sense of openness within the front setback.

However, whilst the site is irregular in shape, it is considered that the location of the new carport and garage/storage area within the south-east portion of the front setback will unreasonably detract from the sense of openness that currently exists in that location, particularly when both structures would be readily viewed from both street frontages.

In this regard, a condition is included in the Recommendation to delete these structures within the front setback so that a sense of openness is maintained across the front setbacks

and so that a more appropriate design response (i.e. double carport) to the irregular shaped lot can be investigated.

Subject to the Recommended condition, the proposal satisfies this Objective.

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

Comment:

With the exception of No.221 South Creek Road, adjoining residential development on the south-western side of the road do not contain examples of detached carports, garages or other types of buildings being located within the front setback.

Accordingly, the location of these structures within the front setback is not consistent with the visual continuity and pattern of buildings and landscape elements which characterise the southwestern side of the street. On this basis, it is appropriate for a condition to be included in the Recommendation to delete these structures.

With respect to the deck, the non-compliance is minor and relates to an open structure of minimal bulk and scale. In this regard, the non-compliance would not affect the visual continuity and pattern of buildings and landscape elements within the street.

Subject to the Recommended condition, the proposal satisfies this Objective.

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

Comment:

As detailed above, the bulk and scale of the deck is considered satisfactory and will not detract from the visual quality of streetscapes and public spaces.

Subject to the Recommended condition to delete the parking structures, an appropriate landscaping setting will be retained within the front setback and the development will not detract from the visual quality of streetscapes and public spaces.

Subject to the Recommended condition, the proposal satisfies this Objective.

- *To achieve reasonable view sharing.*

Comment:

The development maintains view sharing between adjoining and surrounding properties.

The development satisfies this objective.

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 section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C2 Traffic, Access and Safety

As detailed under the Development Engineer Referral section of the report, conditions are included in the Recommendation for the design of the fence to be amended to improve sight lines to the street and therefore enable safe vehicle exiting and entering the site.

C3 Parking Facilities

As per the WDCP 2011 - B7 Front Boundary Setback section of the report, the proposed parking facilities are not supported and a condition has been included in the Recommendation for the parking structures and driveway to be deleted should the application be approved.

D8 Privacy

The proposed north-western deck is elevated and will enable close and direct looking over the side boundary fence and into the windows located on the south-east elevation of the dwelling located on the adjoining property to the north-west, being No. 195 South Creek Road.

In this regard, a condition is included in the recommendation for two privacy screens to be erected on the deck, including one privacy screen being affixed opposite the Dining Room glass door and one privacy screen affixed to the far north-western end of the New Deck.

Subject to this condition for privacy screens, direct and close overlooking into the adjoining property is prevented.

D13 Front Fences and Front Walls

As detailed under the Development Engineer Referral section of the report, conditions are included in the Recommendation for the design of the fence to be amended to improve sight lines to the street and therefore enable safe vehicle exiting and entering the site.

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 \$ 127,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.45%	\$ 572
Section 94A Planning and Administration	0.05%	\$ 64

Total	0.5%	\$ 635
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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 DA2016/0276 for Alterations & additions to an existing dwelling, fence and carport on land at Lot 15 DP 232162, 193 South Creek Road, WHEELER HEIGHTS, 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
DA1003	04-12-2015	Rapid Plans
DA1005	04-12-2015	Rapid Plans

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DA1007	04-12-2015	Rapid Plans
DA1008	04-12-2015	Rapid Plans
DA2001	04-12-2015	Rapid Plans
DA2002	04-12-2015	Rapid Plans
DA3001	04-12-2015	Rapid Plans
DA3002	04-12-2015	Rapid Plans
DA3003	04-12-2015	Rapid Plans
DA4001	04-12-2015	Rapid Plans
DA4002	04-12-2015	Rapid Plans
DA6005	04-12-2015	Rapid Plans

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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. (DACPLB01)

2. **Amendments to the approved plans**

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

- The proposed extension to the driveway and the New Carport and the New Garage/Storage, as shown on the approved plans, are to be deleted and are not to form part of the approved plans.

In this regard, the existing garage and driveway is to remain.

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

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

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 (DACPLB09)

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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) 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.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) 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 sewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

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 \$ 127,000.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.45%	\$ 571.50
Section 94A Planning and Administration	0.05%	\$ 63.50
Total	0.5%	\$ 635.00

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.warringah.nsw.gov.au/your-council/forms).

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

7. **Works Bonds**

Construction, Excavation and Associated Works Bond (Drainage)

A Bond of \$5,000 as security against any damage to Council's stormwater drainage infrastructure that burdens the site as part of this consent.

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.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

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

8. **Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Warringah Council pipeline or easement.

Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

External extremities of the proposed timber deck must be clear of the existing drainage easement that burdens the site. Any footings for the deck must be located a minimum of 1.0 metre in the horizontal alignment from the edge of Council's stormwater pipeline located within the easement.

Structural details prepared by a suitably qualified Consulting Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

9. **Sight Distance at Driveway**

All fencing adjacent to the driveway vehicle crossing must provide openings to ensure adequate sight distances for vehicles entering and leaving the site for pedestrian and vehicular traffic in the public road in accordance with clause 3.4.2 of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking. Engineering details are to be provided demonstrating compliance with this requirement including certification by an appropriately qualified and practicing traffic engineer.

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

Reason: To facilitate suitable vehicular access to private property. (DACENCPCC3)

10. **Waste Management Plan**

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.(DACHPC03)

11. **Pre-Construction Dilapidation Survey**

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

12. **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. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**

(m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

(n) AS 4674 Design, construction and fit out of food premises

(o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

13. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are 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)

14. **Privacy Screens**

A 1.65m privacy screen (measured from finished floor level) is to be erected on the outermost north-west edge of the New Deck located off the Dining room as shown on the approved plans. This privacy screen is have a minimum length of 3.0m and is to be located directly opposite the entire Dining room glass door openings (D2).

A 1.65m privacy screen (measured from finished floor level) is to be erected on the outermost north-west edge of the New Deck located off the New Lndy as shown on the approved plans. This privacy screen is have a minimum length of 2.0m and is to be affixed to the south-west edge of the New Deck.

The privacy screens shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)

15. **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.
(DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. **Surveyor's Report**

A Registered Surveyor's identification report indicating the proposed footings for the deck are a minimum of 1.0 metre from the edge of the existing Council stormwater pipe. A Surveyor's Report is to be provided for confirmation prior to pouring of the footings.

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

Reason: To ensure the footings for the deck comply with Council's Policy. (DACENE04)

17. **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. (DACENE09)

18. **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 Warringah Council 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. (DACPLE02)

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

19. **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.

Note: The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

20. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in

accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

A statement of compliance is to be prepared by a suitably qualified Consulting Engineer and submitted to the Certifying Authority for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

21. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets>

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

22. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Kevin Short, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A

Notification Plan	Title	Date
 2016/101757	Plans - Notification	04/12/2015

ATTACHMENT B

Notification Document	Title	Date
 2016/111319	Notification Map	08/04/2016

ATTACHMENT C

Reference Number	Document	Date
 2016/101755	Plan - Survey	22/04/2015
 2016/101763	Report BASIX Certificate	04/12/2015
 2016/101758	Report Statement of Environmental Effects	04/12/2015
 2016/101757	Plans - Notification	04/12/2015
 2016/101764	Plans - Master Set	04/12/2015
 DA2016/0276	193 South Creek Road WHEELER HEIGHTS NSW 2097 - Development Application - Alterations and Additions	29/03/2016
 2016/094610	DA Acknowledgement Letter - Rapid Plans Pty Ltd	29/03/2016
 2016/101761	Plans - Shadow	31/03/2016
 2016/101760	Plans - Internal	31/03/2016
 2016/101759	Plans - External	31/03/2016
 2016/101749	Development Application Form	31/03/2016
 2016/101751	Applicant Details	31/03/2016
 2016/101752	Cost Summary Report	31/03/2016
 2016/103802	Referral to AUSGRID - SEPP - Infrastructure 2007	04/04/2016
 2016/111319	Notification Map	08/04/2016
 2016/111201	Notification Letters - 126	08/04/2016
 2016/115443	Superseded Development Engineering Referral Response	13/04/2016
 2016/219429	Email to applicant with advice of engineer referral comments	23/06/2016
 2016/222389	Request for Withdrawal of Development Application - Rapid Plans Pty Ltd	07/07/2016
 2016/227445	eMAIL: Letter attached requesting the application be withdrawn	08/07/2016
 2016/235570	Regarding letter dated 8 July 2016 - DA2016/0276 - 193 South Creek Road Wheeler Heights	15/07/2016
 2016/266086	Email response: updated survey	10/08/2016
 2016/266079	Updated survey	10/08/2016
 2016/266988	Development Engineering Referral Response	11/08/2016
 2016/269407	Final plans - DA Finals Rev 1	15/08/2016
 2016/277179	Stamped Plans	22/08/2016
 2016/277969	site inspection	23/08/2016