

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0951
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 13 DP 225845, 13 Athol Street FRENCHS FOREST NSW 2086
Proposed Development:	Alterations and Additions to a dwelling house
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:	Timothy Leonard Kiehne Air Kiehne
Applicant:	Pittwater Design & Draft

Application lodged:	25/09/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	27/09/2017 to 13/10/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 414,100.00
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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 - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - C9 Waste Management

Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 13 DP 225845 , 13 Athol Street FRENCHS FOREST NSW 2086
Detailed Site Description:	<p>The subject site is located on the eastern side of Athol Street, Frenchs Forest and is upon land zoned for R2 Low Density Residential development.</p> <p>The site is irregular in shape and has a surveyed area of 753.4m² with a street frontage of 22m and depths of 38.14m and 40.55m respectively.</p> <p>Presently the site accommodates a two storey dwelling house with a brick garage and an in-ground swimming pool.</p> <p>Surrounding developments consist of other detached dwellings of varying age, size and construction.</p> <p>Topographically the site declines from west to east (front to rear) by approximately 3.0m.</p> <p>The site has mature vegetation throughout and surrounding.</p>

Map:



SITE HISTORY

Development Application No. 2017/0443

Application for alterations and additions to the existing dwelling. The application was not accompanied by a current BASIX Certificate and lacked engineering details.

As such, Council issued a letter to the applicant dated 24 July 2017 which requested for the application to be withdrawn. The application was withdrawn on 26 July 2017.

PROPOSED DEVELOPMENT IN DETAIL

The development application is for alterations and additions to the existing dwelling including an extension of the existing ground and upper floor.

A deck is proposed to be constructed between the lower ground floor and the existing swimming pool. Landscaping works are proposed throughout.

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	None applicable.

Section 79C 'Matters for Consideration'	Comments
draft environmental planning instrument	
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)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>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 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	<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 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 79C 'Matters for Consideration'	Comments
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.
Section 79C (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 Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Adrian David Fellowes	14 Kens Road FRENCHS FOREST NSW 2086

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

- **Privacy**
- **Access to Sunlight**

The matters raised within the submissions are addressed as follows:

- **Privacy**
Concern is raised that the development may give rise to privacy issues by virtue of overlooking.

Comment: The development proposes no new large windows from primary living spaces which could give rise to privacy impacts.

The development provides several additional south facing windows which are assessed as having a negligible impact on the provision of privacy from adjoining properties given:

Lower Ground Floor

1. South - Window from the lounge room is a highlight window;
2. South - Window from a bedroom - not a high-usage area, is setback 3.6m from the boundary and can reasonably be resolved via a 1.8m boundary fence.

Ground Floor

1. North facing window is from a laundry.

First Floor

1. Two north facing windows are from bedrooms;
 2. South facing window from master bedroom is highlight window;
 3. South facing slot window is from a robe;
 4. South facing corner window is from an ensuite with privacy shutters.
- These windows are also setback between 3.6m and 5.7m from the boundary.

It is noted that the existing rear yard level and swimming pool is elevated above the adjoining neighbouring properties rear yards and, at present, can look into said yards. The proposed deck at lower-ground-floor level could give rise to additional privacy impacts, even though the largest section of the deck is not located near the boundary.

Accordingly, it is conditioned in the recommendation of this report that a 1.8m high fence be erected at pool coping level around the southern perimeter of the swimming pool and retaining wall which will:

- a) prevent overlooking from the swimming pool and existing garden level; and
- b) reduce opportunities for direct overlooking from the proposed deck into adjoining properties.

The privacy solution conditioned is considered to protect the privacy of adjoining properties and maintain the amenity of occupants of the subject development site.

Accordingly, this matter is reasonably resolved via condition.

- **Access to Sunlight**

Concern is raised that the proposed development will cause an unreasonable level of overshadowing onto adjoining property private open space.

Comment: The development is assessed as providing a reasonable and compliant level of access to sunlight on the winter solstice.

Properties that are located directly south of another are always going to be susceptible to overshadowing from developments to the north, and it is considered that this proposed development which is beneath the maximum height of buildings and has very wide southern side boundary setbacks (3.1m to 3.6m when only 900mm is required) is evidence that the proposal has been designed to minimise unreasonable overshadowing of adjoining properties.

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

External Referral Body	Comments

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. A266436_02 dated 8 September 2017).

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	Complies
Height of Buildings:	8.5m	7.5m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	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	7.6m	5.5%	No
B3 Side Boundary Envelope	North - 4.0m	Encroachment at a height of 0.3m and for a length of 1.8m	7.5%	No
	South - 4.0m	No encroachment	-	Yes
B5 Side Boundary Setbacks	North - 0.9m	2.6m	-	Yes
	South - 0.9m	3.1m - 3.6m	-	Yes
B7 Front Boundary Setbacks	6.5m	Garage - 3.6m	44.7%	No
		Dwelling - 6.5m	-	Yes
B9 Rear Boundary Setbacks	6.0m	14.1m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	44% (332.2m ²)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	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	No	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
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

B1 Wall Heights

The development proposes a maximum wall height of 7.6m which is a 400mm or 5.5% variation to the control.

The building remains beneath the maximum Height of Buildings permitted as per Cl. 4.3 of the WLEP 2011.

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

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

Comment: Despite not complying with the wall height control, the development will be of a reasonable visual impact when viewed from adjoining developments, streets and surrounding public areas. The visual impact is considered to be acceptable and consistent with the architectural style of the dwelling.

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

Comment: The development will remain beneath the existing tree canopy level.

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

Comment: No existing views enjoyed from surrounding properties will be detrimentally or unreasonably impacted upon as a result of this development.

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

Comment: The proposed encroachment into the wall height control will not give rise to any unreasonable nor detrimental amenity impacts from surrounding lands.

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

Comment: The development is for alterations and additions to an existing dwelling and does not require any additional significant excavation. Therefore, it is considered that the development adequately responds to the site topography.

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

Comment: The proposed roof pitch is consistent with the architectural style of the dwelling and is in-keeping so as to maintain consistency throughout the site and to enhance the streetscape.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

The proposed development encroaches the side boundary envelope on the northern elevation by up to

300mm in height and for a length of 1800mm, equating to a maximum variation of 7.5% to the control.

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

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

Comment: The development is for alterations and additions to the existing dwelling and is of a style that is consistent with the existing architectural character of the dwelling. The large side setbacks and the built form of the proposed development ensure that the development will not become visually dominant by virtue of its height and bulk.

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

Comment: The development provides a satisfactory provision of amenity to all surrounding neighbours, subject to conditions where appropriate.

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

Comment: The development does not significantly alter the topography of the site, being alterations and additions, and is therefore considered to satisfy 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.

B7 Front Boundary Setbacks

The existing double lock-up garage encroaches the front setback area and presents a setback of 3.6m, equating to a variation of 44.7%.

The garage is to remain in its current location and is only proposed to have minor changes (including a new garage door and new cladding). Therefore, given that all new proposed building works remain beyond the minimum front building setback, no further assessment against the provisions of this clause is required.

C9 Waste Management

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

D8 Privacy

It is noted that the existing elevated level of the rear garden and swimming pool cause moderate overlooking into the rear yards of the adjoining dwellings to the south. The proposed lower-ground-floor deck adjoining the swimming pool could give rise to an exacerbation of this privacy impact.

Additionally, it is noted that works are required to the swimming pool (fencing) in order to meet the relevant standards.

Therefore, this report recommends that a 1800mm high fence be constructed along the southern edge of the swimming pool and atop of the adjoining retaining walls. This fence is considered to:

- Contribute to compliance with relevant swimming pool standards;
- Reduce opportunities for direct overlooking into adjoining properties to the south;
- Reduce opportunities for direct overlooking from properties to the south into the subject site; and
- Maintain the desired level of amenity of the rear yard for the occupants without having unreasonable impact upon adjoining properties.

Accordingly, the condition is considered reasonable 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 \$ 414,100		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,934
Section 94A Planning and Administration	0.05%	\$ 207
Total	1%	\$ 4,141

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 DA2017/0951 for Alterations and Additions to a dwelling house on land at Lot 13 DP 225845, 13 Athol Street, FRENCHS FOREST, 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-01	21 July 2016	Pittwater Design and Draft
DA-05	21 July 2016	Pittwater Design and Draft
DA-06	21 July 2016	Pittwater Design and Draft
DA-07	21 July 2016	Pittwater Design and

		Draft
DA-08	21 July 2016	Pittwater Design and Draft
DA-09	21 July 2016	Pittwater Design and Draft
DA-10	21 July 2016	Pittwater Design and Draft
DA-11	21 July 2016	Pittwater Design and Draft
DA-12	21 July 2016	Pittwater Design and Draft
DA-13	21 July 2016	Pittwater Design and Draft
DA-14	21 July 2016	Pittwater Design and Draft

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A266436_02	08 September 2017	Leigh Sym
Preliminary Geotechnical Assessment	6 February 2017	Jack Hodgson Consultants Pty Ltd

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:

- A fence measuring 1800mm in height measured from the swimming pool coping level is to be erected for the entire southernmost edge of the swimming pool coping and atop of the retaining wall to the south-west of the swimming pool.

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 unsewerred 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 \$ 414,100.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,933.95
Section 94A Planning and Administration	0.05%	\$ 207.05
Total	1%	\$ 4,141.00

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.

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

7. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with Parts C8 and C9 of the WDCP 2011 and Council's Waste Management Guidelines (that apply to land covered by the WLEP 2011).

Details demonstrating compliance must be provided to the 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.

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. (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**

*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)

9. **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)

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. (DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **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.

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

12. **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)

13. **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)

14. **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
 2017/364599	Plan - Notification	22/09/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/365363	Notification Map	26/09/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/364554	UPDATED BASIX CERTIFICATE Completed 8 Sep 2017	21/09/2017
 2017/364517	On site stormwater detention OSD checklist	22/09/2017
 2017/364548	Report -STATEMENT OF ENVIRONMENTAL EFFECTS	22/09/2017
 2017/364520	Cost Summary Report	22/09/2017
 2017/364553	BASIX CERTIFICATE	22/09/2017
 2017/364636	Plan - SEDIMENT & EROSION	22/09/2017
 2017/364638	Plan - Landscape with internal layout	22/09/2017
 2017/364649	Plan - STORMWATER CONCEPT	22/09/2017
 2017/364599	Plan - Notification	22/09/2017
 DA2017/0951	13 Athol Street FRENCHS FOREST NSW 2086 - Development Application - Alterations and Additions	25/09/2017
 2017/362838	invoice for ram applications - Pittwater Design & Draft	25/09/2017
 2017/362847	DA Acknowledgement Letter - Pittwater Design & Draft	25/09/2017
 2017/364656	Plans - Master Set	26/09/2017
 2017/364594	Plans - Survey	26/09/2017
 2017/364654	Plans - External	26/09/2017
 2017/364580	Report - Geotechnical Investigation	26/09/2017
 2017/364494	Development Application Form	26/09/2017
 2017/364505	Applicant Details	26/09/2017
 2017/364630	Certification of shadow diagrams and plan	26/09/2017
 2017/365343	DA Acknowledgement Letter (not integrated) - Pittwater Design & Draft	26/09/2017
 2017/365363	Notification Map	26/09/2017
 2017/365396	Notification Letter - 8	26/09/2017
 2017/424072	Late Submission - Fellowes	30/10/2017
 2017/424082	Late Submission - Fellowes	30/10/2017
 2017/425291	Submission Acknowledgement Letter - Adrian David Fellowes - SA2017/424082	31/10/2017
 2017/425292	Submission Acknowledgement Letter - Adrian David Fellowes - SA2017/424072	31/10/2017
 2017/444493	Discussion RE privacy fence	09/11/2017