

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0879
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot 4 DP 206006, 7 Courtley Road BEACON HILL NSW 2100
Proposed Development:	Alterations and additions to an existing dwelling including a 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:	Palanikumar Ganapathy Poonguzhali Palanikumar
Applicant:	Palanikumar Ganapathy

Application lodged:	24/08/2016
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	01/09/2016 to 16/09/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 356,700.00
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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

NORTHERN BEACHES COUNCIL

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 4 DP 206006 , 7 Courtley Road BEACON HILL NSW 2100
Detailed Site Description:	<p>The subject site consists of one (1) allotment located north-east of a bend in of Courtley Road.</p> <p>The site is irregular in shape with a frontage of approximately 50.9m along Courtley Road on the west and south boundaries and a depth of 14.89m and 33.53m on the east and north boundaries, respectively. The site has a surveyed area of 603.4m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two / three level dwelling house. Surrounding development consists of one and two storey dwelling houses.</p> <p>The site has an easterly aspect with a moderate slope falling across the land from the west to the east, by approximately 5m. Vegetation exists on the western boundary.</p>

Map:



SITE HISTORY

Site history relevant to the proposal includes:

C105/63: Consent for "W-D" (weatherboard dwelling) granted on 30 January 1963. The approved plans illustrate one (1) car space in the lower ground level garage.

B875/73: Consent for timber fence on frontage of site approved 15 May 1973.

B271/77: Consent for "additions" (1st floor) dated 3 March 1977. This consent relates to a 1st floor addition and a deck on the east elevation of the dwelling. The approved plans do not illustrate the car space and associated driveway that exists on the site, adjacent the approved garage.

PROPOSED DEVELOPMENT IN DETAIL

The application proposes alterations and additions to an existing dwelling house. The proposal (as amended) consists of the following:

- additions to the existing lower ground floor to convert existing informal parking space to a bedroom, office and games room;
- additions to existing upper ground floor for the relocation of kitchen, dining/living area, bathroom and bedroom; and
- front fence on part of the south boundary and west boundaries of the site.

The applicant provided amended plans on 25 November 2016, in response to Council's correspondence dated 17 November 2016. The amendments were to delete the proposed carport and re-instate parking within the existing garage and provide an additional car space on an adjoining driveway.

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)	<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>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.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, permits Council to request additional information and adjust the</p>

NORTHERN BEACHES COUNCIL

Section 79C 'Matters for Consideration'	Comments
	<p>number of days taken in this assessment in light of this clause within the Regulations. However, 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>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.</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> <p><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.</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) 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) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 (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:
Kenneth Bruce Smith	12 Courtley Road BEACON HILL NSW 2100

One (1) submission was received during the notification period. The issues raised in this submission are summarized below, which contend that the development:

- *Represents an over-development of the site;*
- *Will consist of three (3) dwellings;*
- *Is currently being used as a dual occupancy and has two kitchens;*
- *A tenant in the existing dwelling is using the property for a commercial use and using the road reserve to park vehicles and stockpile materials;*
- *Has insufficient parking;*
- *Has an excessive number of bedrooms;*
- *Will have a "walled-in" appearance as a result of the proposed fence; and*
- *Has insufficient setback from the southern boundary as a result of the proposed carport.*

The matters raised within the submissions are addressed as follows:

- *Represents an over-development of the site;*

Comment: An assessment of the development against the relevant policies of Council has found that the application is compliant with all relevant policies, with an exception to the front building setback control of WDCP 2011. An assessment of this variation is provided elsewhere in this report. In summary, as the development is generally compliant with the relevant built form controls, the application is not considered to be an over-development of the site.

- *Will consist of three (3) dwellings;*

Comment: The floor plans provided with the application do not indicate that there is any potential for the building to be used to contain multiple dwellings. Specifically, there are no separate entries, or multiple service rooms (such as kitchens, laundries and bathrooms - for example, only 1 kitchen is proposed in the dwelling) that would permit various areas of the building to be used as separate dwellings. Hence, Council is satisfied that the proposal is for a dwelling house only and no another land use that would be prohibited in the zone in which the land is located. Therefore, this issue is not a valid reason to warrant refusal of the application.

- *Is currently being used as a dual occupancy and has two kitchens;*

Comment: As stated previously, Council is satisfied that the proposed development is consistent with the definition of a dwelling house and does not propose any other land use. Hence this is not a relevant matter for consideration on the assessment of this application.

NORTHERN BEACHES COUNCIL

Nonetheless, the assertion that the existing dwelling is being used for the purposes of a dual occupancy (which is a prohibited land use) will be referred to Councils' Compliance Services unit for further investigation.

- *A tenant in the existing dwelling is using the property for a commercial use and using the road reserve to park vehicles and stockpile materials;*

Comment: As stated previously, the matter of the existing premises being used for prohibited land uses has referred to Councils' Compliance Services unit for further investigation. In respect to any illegally parked vehicles, any occurrences of this should be reported to Councils' Ranger Services at the time it has been witnessed.

- *Has insufficient parking;*

Comment: An examination of Council records has indicated that the dwelling has 1 approved car space and 1 informal parking space. Whilst 2 spaces currently exist on the site, only 1 space is provided under the existing development consents that relate to the land. The matter of parking provision is discussed elsewhere in this report. In summary, sufficient parking is provided on site to cater for vehicles accessing / entering the site.

- *Has an excessive number of bedrooms;*

Comment: Provided a development complies with the relevant development standards and controls, there is no limit to the number of bedrooms that can be provided within a dwelling house. Therefore, this issue is not a valid reason to warrant refusal of the application.

- *Will have a "walled-in" appearance as a result of the proposed fence;*

Comment: The proposed fence on the south and west frontages of the site provides sufficient visual interest, variation in external form and is of an appropriate height to be consistent with the Council objectives and policy for fences and walls on front boundaries.

- *Has insufficient setback from the southern boundary as a result of the proposed carport.*

Comment: This matter is considered valid. Council's assessment of the application in its original form was that the carport represented an unreasonable variation with the front setback controls of WDCP 2011. Council subsequently advised the applicant that their proposal was not supported and that the application should be withdrawn. In response, the applicant provided plans which deleted the carport and retained the existing approved car space within the dwelling's garage. Hence subject to the amendments, the proposal is now considered worthy of approval.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	No objections to the proposed alterations and additions subject to conditions.

NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments
Landscape Officer	No objections subject to conditions as recommended.

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. A256579 dated 17 August 2016). The BASIX Certificate indicates that the development will achieve the sustainability requirements of SEPP BASIX.

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

NORTHERN BEACHES COUNCIL

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	7.4m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.9AA Trees or vegetation not prescribed by development control plan	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	4.83m	N/A	Yes
B3 Side Boundary Envelope	4m (north)	No breach	N/A	Yes
	4m (east)	No breach	N/A	Yes
B5 Side Boundary Setbacks	0.9m (north)	1.79m	N/A	Yes
	0.9m (east)	6m	N/A	Yes
B7 Front Boundary Setbacks*	6.5m (primary - south)	6m (deck on 1 st floor additions)	8%	No
	3.5 (secondary - west)	5.48m (deck)	N/A	Yes
B9 Rear Boundary Setbacks	N/A (corner allotment)	N/A	N/A	N/A
D1 Landscaped Open Space	40%	338m ² or 55%	N/A	Yes

NORTHERN BEACHES COUNCIL

(LOS) and Bushland Setting				
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***Note:** The site is in effect a corner allotment, with the south boundary considered the primary frontage and the west boundary as the secondary frontage.

****Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	No	Yes
Front Boundary Exceptions - R2	Yes	Yes
Rear Boundary Exceptions on Corner Allotments - R2	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	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
D14 Site Facilities	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D15 Side and Rear Fences	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The proposed 1st floor deck is located 6m from the southern front boundary of Courtley Road, at its closest point. This represents an 8% variation with the control.

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 deck is a light-weight transparent structure that will not add any significant visual bulk or scale to the additional dwelling, hence an adequate sense of openness is provided, consistent with this objective.

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

Comment:

The part of the proposed deck forward of the minimum front setback is nonetheless behind the existing front setback of the dwelling, which is 5.9m from the front boundary at the ground floor level. In this respect, the existing non-compliance is not exacerbated in any way. Based on the circumstances, the visual continuity of buildings and landscape elements on the site is maintained and this objective is achieved.

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

Comment:

The minor variation to the front setback is unlikely to result in any significant loss in the visual quality of the streetscape of Courtley Road. The proposal is hence consistent with this objective.

- *To achieve reasonable view sharing.*

Comment:

It is unlikely that there will be any adverse loss of any views enjoyed by adjoining properties as result of the proposed variation. The development is therefore consistent with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 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.

C3 Parking Facilities

Description of non-compliance

Subject to a condition of development consent, a total of one (1) car space will be provided for the dwelling house. This will represent a shortfall of 1 space, consistent with the current requirements for parking. Existing Council records demonstrate that there is only approved 1 car space on the land, within the existing garage.

The original application proposed two (2) spaces in a carport, which represented a non-compliance with the front setback controls which Council did not support. In response, the applicant provided amended plans which reinstated 1 car space to the existing garage and proposed a second car space ("Car 2") on an informal driveway adjacent the primary approved driveway. As the location of "Car 2" represents a non-compliance with Part B7 - Front Setback of WDCP 2011, a condition of consent is recommended to delete this car space.

This condition, in effect, results in the non-compliance, which is discussed below.

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Dwelling house	2 spaces for each new dwelling house	2	1	1

An examination of Council records, in particular the history of past development consents (see Site History), indicates that there is only approved 1 car space on the site. An inspection of the site reveals that there is 1 informal car space and associated driveway on the east elevation of the dwelling. As this car space and driveway is not included on any of the available approved plans in Council's records then it must be assumed that this car space was never approved. Hence, the existing provision of car parking is determined at 1 space. As the works propose alterations and additions to an existing dwelling house, which

will substantially alter the fabric or intensity of the existing house, then the existing provision of car parking is considered adequate to satisfy the car parking demands of the proposed development.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

As stated previously, the application has been amended to delete the proposed carport. Further, a condition of development consent is recommended to delete the proposed car space located within the front setback. Hence, the development is consistent with this objective.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The proposal, subject to condition, will be consistent with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 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.

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 \$ 356,700		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,389
Section 94A Planning and Administration	0.05%	\$ 178
Total	1%	\$ 3,567

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 DA2016/0879 for Alterations and additions to an existing dwelling including a carport on land at Lot 4 DP 206006, 7 Courtley Road, BEACON HILL, 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
16006-1 Revision A	23.11.16	A. Bullen
16006-2 Revision A	22.11.16	A. Bullen
16006-3 Revision A	23.11.16	A. Bullen

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No.A256579	17 August 2016	Ash Design Building 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.
- d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
-	14/08/2016	Ashley Bullen

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:

- "Car 2" is to be deleted from Plan Nos. 16006-1 Revision A and 16006-3 Revision A.

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

Reason: To ensure the development complies with the front setback requirements and policies of Council. (DACPLB02)

3. **Prescribed Conditions (Crown Land Only)**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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

NORTHERN BEACHES COUNCIL

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 \$ 356,700.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,388.65
Section 94A Planning and Administration	0.05%	\$ 178.35
Total	1%	\$ 3,567.00

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. **Stormwater Disposal from Low Level Property**

Stormwater shall be disposed of to an existing approved system or in accordance with Council's "Water Management Policy PL 850" in particular the Stormwater Drainage from Low Level Properties Technical Specification. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the "Water Management Policy PL 850" are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACENC02)

8. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

9. **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) AS 4970 - 2009 'Protection of trees on development sites'*
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*

*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)

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. **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)

12. **Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be

implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

13. **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

14. **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)

15. **Required Planting**

Trees shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
2	Tree/s selected from Council's Plants and Trees List available at www.warringah.nsw.gov.au or species capable of attaining a minimum height of 5 metres at maturity	Grounds of property	200mm

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

Reason: To maintain environmental amenity. (DACLAF01)

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

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

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

Reason: To ensure bushland management. (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


Nick England, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A

Notification Plan	Title	Date
 2016/281987	Plan - Notification	17/08/2016

ATTACHMENT B

Notification Document	Title	Date
 2016/287577	Notification Map	31/08/2016

ATTACHMENT C

Reference Number	Document	Date
 2016/281984	Report - Survey	17/08/2016
 2016/281987	Plan - Notification	17/08/2016
 2016/282000	Request to vary rear boundary setback	17/08/2016
 2016/282008	Report - Geotech	17/08/2016
 2016/282010	Basix Certificate	17/08/2016
 2016/282012	Report - Waste Management Plan	17/08/2016
 2016/281988	Report - Statement of Environmental Effects	19/08/2016
 2016/281986	Plan - Survey	19/08/2016
 DA2016/0879	7 Courtley Road BEACON HILL NSW 2100 - Development Application - Alterations and Additions	24/08/2016
 2016/278747	DA Acknowledgement Letter - Palanikumar Ganapathy	24/08/2016
 2016/281974	Development Application Form	26/08/2016
 2016/281979	Applicant Details	26/08/2016
 2016/282021	Certification of shadow diagrams and plan	26/08/2016
 2016/282038	Plans - Master Set	26/08/2016
 2016/282034	Plans - External	26/08/2016
 2016/287553	Notification Letter - 10	31/08/2016
 2016/287577	Notification Map	31/08/2016
 2016/304242	Development Engineering Referral Response	09/09/2016
 2016/304245	Dev Engineering Referral Response	09/09/2016
 2016/308557	Online Submission - Smith	15/09/2016
 2016/309698	Landscape Referral Response	15/09/2016
 2016/369939	Request for Withdrawal of Development Application - Palanikumar Ganapathy	14/11/2016
 2016/385135	Plans - Master Set	25/11/2016
 2016/385132	Plans - External	25/11/2016
 2016/385133	Plans - Internal	25/11/2016
 2016/386099	Re-Submission of DA	25/11/2016
 2016/393055	Working Plans	30/11/2016