

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/1032
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Responsible Officer:	Ramona Smith
Land to be developed (Address):	Lot 5 DP 23936, 10 Summit Avenue DEE WHY NSW 2099
Proposed Development:	Construction of a swimming pool and landscaping works
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	James Anthony Jennings
Applicant:	Seabreeze Design & Construct

Application lodged:	18/10/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	26/10/2017 to 13/11/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 44,585.00
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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 - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C5 Erosion and Sedimentation

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 5 DP 23936 , 10 Summit Avenue DEE WHY NSW 2099
Detailed Site Description:	The subject site consists of one (1) allotment located on the northern side of Summit Avenue, Dee Why. The site is irregular in shape with a frontage of 13.24m and a front arc of 2.91 along Summit Avenue and a depth of 41.7m and 44.0m. The site has a surveyed area of 680.0m². The site is located within the R2 Low Density Residential zone as per the Warringah Local Environment Plan 2011 (WLEP 2011) and accommodates a three level dwelling with an attached double garage. The site is identified as being Landslip Area 'A' and 'B' under WLEP 2011 and the site slopes from the south - western corner at Summit Avenue to the north - eastern corner at the rear of the site. The site has small trees and shrubs within the site boundary. It is considered that there is no known threatened or endangered species on the site. Detailed Description of Adjoining/Surrounding Development Adjoining and surrounding development is characterised by a mixture of modern and traditional style dwelling houses. Note: A site inspection was conducted on 18 December, 2017. It is noted that the site is currently under construction under DA2016/0595.

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant applications for this site:

MOD2017/0157

Modification to DA2016/0595 for Alterations and Additions to an existing dwelling and the construction of a swimming pool.

Approved - 04 August, 2017

DA2016/0595

Alterations and Additions to an existing dwelling and the construction of a swimming pool.

Approved - 29 July, 2016

DA2012/1425

Alterations and Additions to an existing dwelling house.

Approved - 31 December, 2017

MOD2005/0121/1

Minor changes to the front facade of the dwelling.

Approved - 30 March 2007

DA2005/0121

Swimming Pool and Extension at Front.

Approved - 16 June 2005

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

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the construction of a swimming pool involving the following:

- swimming pool with glass wet edges;
- Spa bath;
- Associated paving; and
- Landscaping

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council 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. <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.

Section 79C 'Matters for Consideration'	Comments
	<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 matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	One (1) submission was received in relation to this application.
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 Michael John Arnott	10 Lookout Avenue DEE WHY NSW 2099

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

- Existing wall, retaining wall and dividing fence.

The matters raised within the submissions are addressed as follows:

- Existing wall, retaining wall and dividing fence.

The submission raised concern relating to the "existing wall", dividing fence and proposed retaining wall.

Comment:

A site inspection was conducted and an assessment of the wall and retaining wall was conducted. It is noted an existing wall is located along the rear boundary towards the west of the site and a lower retaining wall is located along the north and eastern boundary.

It is noted, a preliminary Geotechnical assessment accompanied the proposal and no concern was raised subject to good engineering and building practices. Furthermore, the proposal was referred to the Development Engineering team for review who raised no objections to the proposal subject to conditions.

In summary, the conditions include, any excavation work is to ensure the stability of the soil material of adjoining properties and the protection of adjoining buildings. Retaining walls are to be structurally adequate for the intended purpose (refer to development engineer conditions). All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practicing Civil Engineer.

The plans indicate a "1.8m pool fence to meet AS1926.1" is to be constructed. With any pool application safety fencing is required to meet the relevant legislative requirements and relevant Australian Standards including "*Australian Standard AS1926 Swimming Pool Safety and Australian Standard AS1926.1 - Part 1: Safety barriers for swimming pools*". As such, a condition has been included in the recommendation of this report under *D16 Swimming Pools and Spa Pools - swimming pool requirements*.

Furthermore, 1.8m dividing fence is permitted under the State Environmental Planning Policy (Exempt and Complying development Codes) 2008 under Subdivision 17 - Fences and may not require formal approval.

It is noted, nothing in this consent allows approval for the construction of a dividing fence or retaining wall along the north and eastern elevation.

It is concluded, as conditioned, it is considered these issues have been addressed and does not warrant refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	The application was referred to council's Development Engineer team for assessment and no objections were raised to the development subject to conditions as recommended.
Landscape Officer	The application was referred to council's Landscape Officer for assessment and no objections were raised to the development 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.
Aboriginal Heritage	The application was referred to the Aboriginal Heritage Office for assessment and no objections were raised to the development subject to conditions as 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. A302662 dated 12 December, 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	% Variation	Complies
Height of Buildings:	8.5m	Pool Height and over flow - 1.3m up to 1.8m	No encroachment	Yes

Compliance Assessment

Clause	Compliance with Requirements
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	1.8m	-	Yes
B3 Side Boundary Envelope	East - 5.0m	Within envelope	-	Yes
	West - 5.0m	Within envelope	-	Yes
B5 Side Boundary Setbacks	East - 0.9m	8.7m	-	Yes
	West - 0.9m	1.0m	-	Yes
B7 Front Boundary Setbacks	6.5m	29.0m	-	Yes
B9 Rear Boundary Setbacks	6.0m	2.0m	66.6% (4.0m)	No*
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (271.0m ²)	32% (219.4m ²)	19.0% (51.6m ²)	No*

* Refer to detailed merit assessment for the Built Form Controls within this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	No	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B9 Rear Boundary Setbacks

Description of non-compliance

The proposal involves the construction of a swimming pool including a pool over flow and spa with associated paving and landscaping. The encroachment involves the swimming pool setback 2.0m from the rear boundary which represents a variation up to 66.6% (4.0m).

The control requires a 6.0m rear setback.

Merit consideration:

The swimming pool and associated paving occupy 29.1% (25.7m²) of the rear setback and thus, complies with the Rear Boundary Exception -R2.

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

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

It is considered the proposed swimming pool and associated paving will still allow for reasonable opportunities for deep soil landscaping and garden areas on site.

The proposal satisfies this Objective.

- *To create a sense of openness in rear yards.*

Comment:

The site slopes from the front boundary on Summit Avenue to the rear north east corner of the site. The north western corner of the site is elevated with proposed landscaping and garden areas with the proposed swimming pool located at the lower end of the site at the north east corner and thus, at ground level. It is noted, the proposal provides greater than required side setbacks at both the east and western boundaries and occupy less than 50% of the rear setback. In this regard, it is considered the structure will not unreasonably detract from the sense of openness in the rear setback.

The proposal satisfies this Objective.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The spatial separation between the subject site and the adjacent adjoining dwellings allows for a reasonable level of privacy, amenity and solar access to be maintained. Further, it is noted a 1.8m fence along the north and eastern boundary between the subject site and the adjoining properties will prevent close and direct overlooking to adjoining properties.

The proposal satisfies this Objective.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

Detached structures including swimming pools and the like are located in the rear setback areas of adjoining and surrounding properties. The adjoining property located at No.8 obtains a swimming pool located on the eastern elevation in the rear setback of the site, No. 4 and No.14 Summit Avenue have swimming pools located in the rear setback, No. 9 Summit Avenue has a garage located in the rear setback and No. 5 Ozone Parade has a swimming pool in the rear setback. In this regard the area of non compliance will not detract from the visual continuity and pattern of building, rear gardens and landscaped elements which characterise the immediate and surrounding area.

The proposal satisfies this Objective.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The proposed swimming pool provides a 2.0m rear setback and acquires greater than required side boundary setbacks to the west and east of the site. The extent of these setbacks reasonably allows for the planting and establishment of screen planting to a mature height which will mitigate

any opportunities for overlooking caused by architecture of surrounding development and the slope of the land. Further it is noted, the location of the swimming pool, spacial separation between the subject site and the adjoining properties and a 1.8m dividing fence will ensure direct and close overlooking into the adjoining properties is prevented and will allow for a reasonable level of amenity to the adjoining properties to the north and east.

The proposal satisfies this Objective.

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

C5 Erosion and Sedimentation

Erosion and sedimentation measures were not provided with the application. A condition has been included in the consent requiring measures used for erosion and sediment control on building sites to be installed, adequately maintained at all times and in accordance with Council's Specifications for Erosion and Sediment Control. Details demonstrating compliance are to be provided to the Certifying Authority.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The proposed alterations and additions will provide a Landscaped Open Space (LOS) on this site calculated at 32% (219.4m²).

The control requires a minimum of 40%.

Merit consideration

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

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

Comment:

The proposed works are contained within the rear of the site with no changes to the front streetscape.

The proposal satisfies this Objective.

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

Comment:

A landscape plan was submitted with the application indicating proposed landscaping in the front and rear of the site which will allow for reasonable indigenous vegetation, topographical features and habitat for wildlife.

The proposal satisfies this Objective.

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

Comment:

The proposal has a 2.0m rear setback and provides side setback dimensions that are reasonable to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.

The proposal satisfies this Objective.

- *To enhance privacy between buildings.*

Comment:

The proposed structure have been designed as to not unreasonably impact on the visual and acoustic privacy of the adjoining dwellings. The proposed structure provides adequate spatial separation between adjoining properties and allows for reasonable landscape open space in the rear yard increasing the potential for future planting that will enhance the privacy between buildings. It is concluded, the proposal provides setback dimensions that are reasonable in enhancing privacy between dwellings.

The proposal satisfies this Objective.

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

Comment:

The proposal provides a reasonable area of landscape open space in the rear yard to accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.

The proposal satisfies this Objective.

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

Comment:

The space provided for service functions including clothes drying are reasonable for the occupants on the site.

The proposal satisfies this Objective.

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

Comment:

Drainage from the site will be directed to the required stormwater drainage system. The remaining deep soil landscape open space on the site provides will provide sufficient opportunity for infiltration of stormwater.

The proposal satisfies this Objective

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

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

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

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 DA2017/1032 for Construction of a swimming pool and landscaping works on land at Lot 5 DP 23936, 10 Summit Avenue, DEE WHY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
AR-14	08 October, 2017	Seabreeze design & construct
AR-15.1	08 October, 2017	Seabreeze design & construct
AR-15	08 October, 2017	Seabreeze design & construct

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Geotechnical Assessment	24 August, 2017	White Geotechnical Group

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	17 October, 2017	Seabreeze Design & Consultant

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. 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)

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer

management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of \$1,000 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

5. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

6. 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)

7. 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)

8. 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)

9. **Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

10. **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)

11. **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. (DACLAEO3)

12. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

13. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have

been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

14. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

15. 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)

16. Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

17. **Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

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

Signed



Ramona Smith, Planner

The application is determined under the delegated authority of:



Daniel Milliken, Manager Development Assessments

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

	Notification Document	Title	Date
	2017/416783	Notification Map	25/10/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/402785	Report - Statement of Environmental Effects	17/10/2017
 2017/402786	Report - Geotechnical	17/10/2017
 2017/402782	Builders Quote	17/10/2017
 2017/402788	Plans - Engineering	17/10/2017
 2017/402783	Plans - Survey	17/10/2017
 DA2017/1032	10 Summit Avenue DEE WHY NSW 2099 - Development Application - Alterations and Additions	18/10/2017
 2017/400425	DA Acknowledgement Letter - Seabreeze Design & Construct	18/10/2017
 2017/402779	Development Application Form	18/10/2017
 2017/402780	Applicant Details	18/10/2017
 2017/402787	Report - Waste Management	18/10/2017
 2017/402789	Plans - Master Set	18/10/2017
 2017/416714	DA Acknowledgement Letter (not integrated) - Seabreeze Design & Construct	25/10/2017
 2017/416738	Notification Letter - 6	25/10/2017
 2017/416774	ARP Notification Map	25/10/2017
 2017/416783	Notification Map	25/10/2017
 2017/426067	Referral - Aboriginal Heritage Office - 10 Summit Avenue Dee Why	30/10/2017
 2017/523042	Email - Response AHO	30/10/2017
 2017/441229	DELETED	08/11/2017
 2017/443535	Confirmation of notification sign - 10 Summit Avenue Dee Why	09/11/2017
 2017/487862	Landscape Referral Response	30/11/2017
 2017/492801	DELETED	01/12/2017
 2017/515929	Enquiry re Submission - DA2017/1032 10 Summit Ave Dee Why - Rosemary McDonald	12/12/2017
 2017/516327	Submission - Arnott	12/12/2017
 2017/521606	BASIX Certificate - 10 Summit Avenue, Dee Why	14/12/2017
 2017/519029	Submission Acknowledgement Letter - Michael John Arnott - SA2017/516327	14/12/2017
 2017/532986	Site Inspection Photos	20/12/2017
 2017/538479	Email - Response by engineering admin	22/12/2017
 2017/542271	Engineering Referral Response	29/12/2017