

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1738
Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 1 DP 863136, 96 Cook Street FORESTVILLE NSW 2087
Proposed Development:	Alterations and additions to a dwelling house including carport
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:	John Phillip Ormiston Rosina Ormiston
Applicant:	Raise The Roof
Application lodged:	24/10/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	05/11/2018 to 19/11/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval
Estimated Cost of Works:	\$ 280,410.00

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 - B3 Side Boundary Envelope

Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 1 DP 863136 , 96 Cook Street FORESTVILLE NSW 2087
Detailed Site Description:	<p>The site is legally identified as Lot 1 DP 863136, and known as 96 Cook Street Forestville. The site is located within the R2 Low Density Residential zone.</p> <p>The property is rectangular in shape with a total size area of 556.9sqm. The front boundary measures 13.485m, the rear measures 16.48m, the south-east side boundary measures 39.16m and the north-west side boundary measures 35.865m.</p> <p>The site has a gentle slope from the rear to the front of the site. The lot is the front lot of a previous battle-axe subdivision, with a driveway running the length of the north-west boundary serving the site at the rear. The driveway is split, with half belonging to the subject property and the other half allocated to the property at the rear. Right of carriageway cover the entire driveway area to permit vehicular access to both properties.</p> <p>The site currently contains a one storey dwelling house with a hardstand at the front of the property.</p> <p>Surrounding sites consist of one and two storey dwelling houses, of varying ages, within landscaped settings.</p>

Map:



SITE HISTORY

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

- Development Consent 94/196 was granted for a detached Dual Occupancy and Subdivision on 18 May 1994 which created No.s 96 and 96a Cook Street. The subject site (No. 96) is the road frontage lot in that subdivision.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to the existing dwelling house. The proposal includes the following works;

Ground Floor

- Internal reconfiguration
- New internal access stairs to the new first floor
- Additional glass doors to the rear
- Existing front porch roof removed and the front entry reconfigured

First Floor

- Two new bedrooms
- Walk in robe
- Ensuite
- Balcony

External

- New double carport

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>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.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development</p>

Section 4.15 Matters for Consideration'	Comments
impacts on the natural and built environment and social and economic impacts in the locality	<p>on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Ms Karen Joy Sole	94 Cook Street FORESTVILLE NSW 2087

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

- Bulk and Scale
- Privacy

The matters raised within the submissions are addressed as follows:

- ***Concern has been raised that the proposal is unreasonable in its bulk and scale due to the south-eastern side boundary envelope encroachment***

Comment:

The proposed works consist of a first floor addition of two bedrooms a walk in robe and ensuite that comply with the building height control and side boundary setbacks. There is an encroachment on the south-eastern side boundary envelope for a height of up to 0.9m for a length of 4.0m.

The built form of the proposal is consistent with the typical bulk and scale of new additions in Cook Street where the existing dwelling house floor levels are sited above the natural ground level, in this case up to 0.5m above ground level.

Spatial separation of over 22.0m from the front boundary to the area of encroachment, ensures the visual impact is not considered to be unreasonable from the street view.

However, it is recognised that there are unavoidable amenity impacts of bulk and scale to the south-eastern adjoining property due to the addition of a first floor. Amended plans were received that changed the roof design of the first floor proposal to assist in minimising the visual impact when viewed from the south-eastern neighbouring property.

The area of encroachment, as demonstrated on the submitted plans, directly adjoins the neighbouring carport roof. Whilst it is understood that the area of the encroachment is visible from the front entry area of the property, this area is not the properties principal private open space area. Also, the proposed first floor addition does not give rise to any unreasonable or non-compliant overshadowing or privacy impact, as the shadow diagrams that accompany the application demonstrate consistency with Part D6 Solar Access.

The proposals south-eastern wall plane has also been broken up with stepped in setbacks (from 1.27 - 9.08m) and a varying roof line. This varying roof line combined with the changing setbacks provide a degree of articulation to minimise and soften the impact of the built form.

In summary, the dwelling is articulated with recessive building elements which effectively minimise the bulk and scale of the built form, including a stepped in second storey element, appropriately considered façade fenestration, open balcony areas and satisfactory external materials and finishes. Also, the proposal does not generate consequences in terms of surrounding amenity and streetscape, including view loss, overlooking, overshadowing, visual outlook.

For the reasons provide above, the variation to the cl. B3 Side Boundary Envelope control was supported on merit.

Therefore, the concerns raised in relation to the bulk and scale of the dwelling does not warrant the refusal or further redesign of the application.

- ***Concern is raised that the proposed first floor creates privacy impacts through the direct overlooking to 94 Cook Street via the additional windows***

Comment:

A site visit was undertaken and it is concluded that the privacy impacts to the south-eastern neighbouring property and their private open space areas is not unreasonable. A detailed assessment of the potential impacts of these windows is provided elsewhere in this report.

Concern was raised with the windows on the north-east and south-east elevations of the first

floor.

South-east elevation;

Window 08 is a 1.5m high sill window located from a bedroom and directly adjoins the carport roof of the neighbouring property. Bedrooms are considered to be low usage rooms, and the 1.5m height will restrict overlooking to only from standing occupants of the room which is likely to be intermittent. Therefore, the 1.5m high sill design, and low usage room minimises any potential unreasonable overlooking impacts to the neighbouring site.

Window 10 is also a high sill window design adjoining the internal access stairs, considered a transition access area. The window has a spacial distance of over 4.0m to the south-eastern side boundary, and directly adjoins the neighbouring carport roof. Therefore, the high sill design adjoining the access stairs minimises any potential unreasonable overlooking impacts to the neighbouring site.

North-east elevation;

Window 06 is a window adjoining a bedroom, which is considered a low-usage room. The orientation of this window is towards the rear of the property, not to the south-eastern neighbouring property, or its private open space area.

Window 07 is a small 1.5m high sill window adjoining an ensuite. The orientation of this window is also towards the rear of the property, not to the south-eastern neighbouring property, or its private open space area.

Therefore, the impacts from the windows are not considered adverse and the concern does warrant the refusal or further redesign of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following conditions of consent.
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. A329757 and 30 September 2018). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. A329757 and 30 September 2018).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	Pass
Thermal Comfort	Pass	Pass
Energy	40	Pass

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	7.6m First Floor 3.8m Carport	Yes Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.1m	-	Yes
B3 Side Boundary Envelope	4m South-East	Encroachment of 0.7m - 0.9 for a length of 4m	up to 22.5%	No
	4m North-West	No encroachment	-	Yes*
B5 Side Boundary Setbacks	0.9m South-East	1.0m Carport 1.27m First Floor	- -	Yes Yes
	0.9m North-West	7.2m Carport 2.5m Front Entry	- -	Yes Yes
		1.7m - 2.1m First Floor	-	Yes
B7 Front Boundary Setbacks	6.5m	8.95m Carport 18.08m New front entry 20.7m First Floor	- - -	Yes Yes Yes
B9 Rear Boundary Setbacks	6m	9.6m Ground Floor doors 9m - 11.4m First floor	- -	Yes Yes

D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.8% (227.3sqm)	-	Yes*
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*Exception for eaves up to 0.675m from the boundary.

**A site inspection revealed that the the north-western corner of the site, shown as paved area on the submitted plans, is now landscape open space (LOS). Therefore, this area can be included in the LOS calculation.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The proposed first floor addition encroaches the 4.0m side boundary envelope on the south-eastern elevation by up to 0.9m equating to a 22.5% variation.

The area of encroachment gradually decreases from 0.9m - 0.7m correlating to the sloping topography and the existing siting of the dwelling house above natural ground level.

There is no encroachment on the north-western side boundary envelope, as eaves up to 0.675m from the boundary are an exception under the control.

Amended plans were received that changed the proposal's roof design. This roofline change has minimised the visual impact of the perceived bulk and scale of the proposal when viewed from the south-eastern neighbouring property.

Merit consideration

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

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

Comment:

While the envelope breach numerically seems significant, in reality the height and bulk of the development is commensurate with the surrounding building forms.

The dwelling house has a compliant building height of 7.6m and a compliant south-eastern side setback 1.27m. The encroachment is located over 22m from the front boundary. Therefore, this spatial distance ensures the encroachment does not have any visual impact on the streetscape.

The area of encroachment is for a modest length of 4.0m (compared to the overall length of the elevation and length of the south-eastern side boundary) and directly adjoins the south-eastern neighbouring carport roof, and front entry to the dwelling house, not the properties private open space area. The design orientates the living spaces toward the rear and front of the site away from the south-eastern neighbouring private open space.

The proposal south-eastern wall plane is broken up with varying setbacks (from 1.27 - 9.08m) and a varying roof line. This varying roof line combined with the changing setbacks will provide a degree of articulation to minimise and soften the impact of the built form.

It is therefore considered that the design has incorporated sufficient articulation to ensure that the development does not become visually dominant by virtue of height and bulk.

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

Comment:

The proposed first floor addition does not give rise to any unreasonable or non-compliant overshadowing or privacy impact. The shadow diagrams that accompany the application

demonstrate consistency with Part D6 Solar Access. Therefore, access to sunlight is considered satisfactory.

Spatial separation between the surrounding sites is assessed as being satisfactory given compliance with the relevant setback controls.

It is noted that the dwelling to the south-east is the most likely property to be effected by this development as the area of encroachment is on the south-eastern side boundary. However, this area adjoins the neighbouring carport roof and front entry area of the site and not the principal private open space.

Therefore, the impacts are assessed as being acceptable.

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

Comment:

No excavation works are proposed and the first floor addition has been satisfactorily designed to minimise bulk and scale when viewed from adjoining and surrounding properties and the public domain.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

A degree of overlooking between adjoining and surrounding properties currently exists. Having regard to this localised situation, the assessment of privacy is to be based on the principle of not creating unreasonable additional impacts on the existing level of privacy between neighbouring sites. An assessment of the additional first floor windows has been undertaken.

On the south-eastern (side) elevation of the proposal, the following windows are located directly to property No.94 Cook Street:

- Window 08, first floor, bedroom
- Window 10, first floor, access stairs

On the north-eastern (rear) elevation of the proposal, the following windows are located directly to property No.96a Cook Street:

- Window 06, first floor, bedroom
- Window 07, first floor, ensuite

On the north-west (side) elevation of the proposal, the following windows are located directly to property No.98 Cook Street:

- Window 04, first floor, bedroom

- Window 05, first floor, bedroom

An assessment of the impact of these windows is provided below:

- Windows 04 and 05: the windows are small, high-sill in design adjoining a bedroom. The proposed sill height of these windows will restrict overlooking to only from standing occupants of the room, which will be intermittent. Hence no adverse impact on privacy is considered likely and no change to the windows is considered necessary.
- Windows 06 and 07: these window faces the rear private open space of the subject property. There is no direct overlooking to the private open space of surrounding properties. Window 07 is also a high-sill (1.5m) window adjoining a low usage room. No adverse impact on privacy is considered likely and no change to the windows is considered necessary.
- Window 08: The proposed sill height of this window is 1.5m, which will restrict overlooking to only from standing occupants of the room, which will be intermittent. Hence no change to the height of the window is considered necessary.
- Window 10: Is also high-sill in design and located over the transitional stairwell access stairs. This window is at a 4m distance from the south-eastern side boundary and overlooks the neighbouring carport roof. Hence no adverse impact on privacy is considered likely and no change to the windows is considered necessary.

In summary, the extent of the impact from the proposed windows is not considered adverse. Therefore, the proposal is consistent with objectives of Part D8.

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

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 280,410		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 2,664
Section 7.12 Planning and Administration	0.05%	\$ 140
Total	1%	\$ 2,804

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation

submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1738 for Alterations and additions to a dwelling house including carport on land at Lot 1 DP 863136, 96 Cook Street, FORESTVILLE, 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
Site Plan and Site Analysis	23/01/2019	Raise The Roof
Proposed Ground Floor	23/01/2019	Raise the Roof
Proposed First Floor	23/01/2019	Raise The Roof
Southwest, Northwest and Carport Elevation	23/01/2019	Raise The Roof

Southeast and Northwest Elevation	23/01/2019	Raise The Roof
Section	23/01/2019	Raise The Roof

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

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. 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

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.

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 280,410.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 2,663.90
Section 7.12 Planning and Administration	0.05%	\$ 140.21
Total	1%	\$ 2,804.10

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 Contributions Plan 2018.

5. Security Bond

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

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition

work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

6. **Stormwater Disposal**

Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to Cook Street.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

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.

8. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

9. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

10. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **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.

12. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

13. **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.

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

14. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

Signed



Catriona Shirley, Planner

The application is determined on //, under the delegated authority of:



Steven Findlay, Manager Development Assessments