

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0511
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Responsible Officer:	Kevin Short
Land to be developed (Address):	Lot 2 DP 1181713 , 5 Lawrence Street FRESHWATER NSW 2096
Proposed Development:	Subdivision of existing mixed use development
Zoning:	LEP - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Frank Minnici
Applicant:	Frank Minnici

Application lodged:	10/06/2015
Application Type:	Local
State Reporting Category:	Subdivision only
Notified:	25/06/2015 to 10/07/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 0
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - G5 Freshwater Village

SITE DESCRIPTION

Property Description:	Lot 2 DP 1181713 , 5 Lawrence Street FRESHWATER NSW 2096
Detailed Site Description:	<p>No. 5 Lawrence Street (Lot 2 DP 1181713) is rectangular in shape located on the northern side of Lawrence Street, is centrally positioned within the Freshwater Village Local Centre, zoned as B2 Local Centre under WLEP 2011 and identified as being within the Freshwater Village under WDCP 2011.</p> <p>The topography of the site falls in a northerly direction from the Lawrence Street frontage (RL19.34) to the rear (RL18.65) representing a slope from south to north of approximately 0.7 metres. The site also has a slight cross slope from west to east of approximately 1.0 metres.</p> <p>The existing buildings and structures on the site include a two storey mixed use retail premises and shop-top housing development, incorporating three shops on the ground floor which gain pedestrian access from Lawrence Street. Two residential dwellings are on the first floor of the mixed use building and gain pedestrian access from a stairwell to the rear of the building. A double garage is located to the rear of the site and gains access to Lawrence Street via a driveway along the eastern side of the shop-top housing building. Detached WC facilities are provided to the south of the brick garage.</p>

Map:



SITE HISTORY

Building Application Approval No. 3038/82 for building additions to the existing mixed use retail premises and shop-top housing building at 5 Lawrence Street was issued 16 December 1982.

DA2007/0856 for the demolition of existing buildings and structures at the site, subdivision from 3 into 2 lots and a new mixed use commercial and residential development at 5-7 Lawrence Street and 18 Marmora Street Freshwater was issued by the NSW Land and Environment Court 3 April 2009.

Modification of Development Consent DA2007/0856 was granted for Construction of a mixed use development comprising basement car parking, a three level retail/ commercial building, ten residential apartments in two buildings and a detached dwelling was approved 4 June 2015.

Subdivision Certificate SC2014/0010 was issued on 5 June 2014 for subdivision of three lots, being Lots A and B, DP 37558 (5 and 5A Lawrence Street) and Lot 9, DP 103521 (18 Marmora Street), into two lots, being Lot 2, DP 1181713 (18 Marmora Street) and Lot 2, DP 1181713 (5 Lawrence Street).

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the strata subdivision of the existing mixed use (retail premises and shop-top housing) building into five (5) lots as follows;

- Three (3) retail/commercial strata lots (with detached WC facilities);
- Two (2) residential strata lots with designated car parking spaces and laundries; and
- Common property.

Proposed Strata Subdivision - Lot Details

Lot Number	Use	Size
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1	Residential	91m ²
	Car Parking	17m ²
	Laundry	6m ²
	Total	114m²
2	Residential	91m ²
	Car Parking	17m ²
	Laundry	7m ²
	Total	115m²
3	Commercial	50m ²
	WC	1.4m ²
	Total	51.4m²
4	Commercial	52m ²
	WC	1.4m ²
	Total	53.4m²
5	Commercial	57m ²
	WC	1.4m ²
	Total	58.4m²

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 A.

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)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. This clause is not relevant to this application.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p>

Section 79C 'Matters for Consideration'	Comments
	<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 clause is not relevant to this application.</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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warrangah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Phillip Malcolm Curry	406 / 168 Queenscliff Road QUEENSCLIFF NSW 2096
Friends Of Freshwater Inc	4 Marmora Street FRESHWATER NSW 2096

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

- Inadequate parking
- Building does not meet modern building standards
- The subdivision is not in the public interest
- Both WLEP 2011 and G5 Freshwater Village "should determine the nature of any new developments in Freshwater Village."

The matters raised within the submissions are addressed as follows:

- Inadequate parking

Comment:

The concern is that the *"building comprises 3 shops totalling 163.2m2 GLFA and 2x3 bedroom residential apartments. Whilst 5 off street parking spaces are provided 14 spaces (ie. 10 commercial and 4 residential) are required."*

The proposal seeks development consent for the strata subdivision of the existing mixed use (retail premises and shop-top housing) building. No building works are proposed nor intensification of the existing uses. On this basis, the strata subdivision will not generate any requirements for additional on-site parking spaces.

Having regard to the above, the concerns raised in relation to parking do not warrant redesign or refusal of the application.

- Building does not meet modern building standards

Comment:

The concern is that *"The building itself is from a different era and, as detailed in the Building Code of Australia (BCA) Assessment report submitted with the application, falls well short of modern standards."*

Council's Building Assessment - Fire and Disability Upgrades Officer has reviewed the strata subdivision application and raises no concern with the proposal subject to BCA upgrade and Fire Safety matter conditions which are included in the Recommendation of the report. As per relevant matters for consideration under the Environmental Planning and Assessment Act, 1979 (EPA Act 1979), these conditions will require the building to be upgraded so that it complies with relevant ('modern') BCA and Fire Safety requirements

(legislation).

Having regard to the above, the concerns raised in relation to building standards do not warrant redesign or refusal of the application.

- The subdivision is not in the public interest

Comment:

The concern is that the development is not in the public interest "because the potential commercial benefits of the Court approval will be lost and the redevelopment of the Lawrence Street frontage will be unlikely to ever go ahead."

This is not a relevant matter of consideration for this strata subdivision application under EPA Act 1979.

- Both WLEP 2011 and G5 Freshwater Village "should determine the nature of any new developments in Freshwater Village."

Comment:

The concern is that the development is not consistent with the "*spirit or the intent of both the DCP and the LEP*".

As detailed previously, the proposed strata subdivision of the existing mixed use building does not involve new building works or intensification of the existing uses. Most importantly, as detailed throughout this report, the proposal has been assessed as being consistent with all relevant matters under WLEP 2011 and WDCP, including G5 Freshwater Village.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	Subject to conditions

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid and no objections to the development were raised subject to conditions which are included in the Recommendation.

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 (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 and no concerns were raised subject to conditions which have been included in the Recommendation.

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:	11m	Existing two (2) storey building	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.6 Subdivision - consent requirements	Yes

Clause	Compliance with Requirements
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

The proposal involves the strata subdivision of an existing building. Additionally, no new building works are proposed and therefore an assessment against the objectives of the relevant built form controls is not required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1 Subdivision	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
D2 Private Open Space	Yes	Yes
D14 Site Facilities	Yes	Yes
G5 Freshwater Village	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The two (2) residential units are allocated one (1) car parking space each. An informal open car parking area is located to the rear of the site which is used by the staff and visitors to the existing shops. Vehicular access to the rear of the site is via an existing concrete driveway connecting with Lawrence Street.

The proposal involves the strata subdivision of an existing building. No building works are proposed or intensification of existing uses which comprise residential and commercial purposes. On this basis, the proposed subdivision will effectively formalise existing premises within the building and will not generate an increase in parking demand. As such, the existing parking arrangements are deemed acceptable.

G5 Freshwater Village

As per WDCP, the subject site is located within Freshwater Village and therefore subject to cl. G5 Freshwater Village of WDCP. The proposal involves the strata subdivision of an existing building. No new building works are proposed. Accordingly, it is deemed that Freshwater will continue as a unique, vibrant and sustainable centre in accordance with the overarching principles for centres in NSW, and with its B2 Local Centre zoning under Warringah Local Environmental Plan 2011. Further assessment against cl. G5 Freshwater Village of WDCP is not required.

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 DA2015/0511 for Subdivision of existing mixed use development on land at Lot 2 DP 1181713, 5 Lawrence Street, FRESHWATER, 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
LOCATION PLAN DRAFT STRATA ISSUE B	16-3-2015	ROBERT KIPROVICH
GROUND FLOOR FIRST FLOOR DRAFT STRATA ISSUE B	16-3-2015	ROBERT KIPROVICH

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Opinion	29th April 2015	Accessible Building Solutions
SUMMARY OF NON-COMPLIANT ISSUES AND RECOMMENDATIONS RELEVANT PARTS C, D & E OF BCA 2014- Volume One	undated	John Briggs

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

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

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	10/07/2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the

statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. **Prescribed Conditions**

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

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land

being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

(g) The applicant shall bear the cost of all works associated with the development that occurs on

Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

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

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

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

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992

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

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in 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.

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

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

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

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

5. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

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

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

- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

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

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

6. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

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

7. **Fire Safety Upgrade**

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by John J Briggs Associates Undated and received by Council on 12 June 2015

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

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

8. **Unit Numbering for Multi Unit Developments (Residential and Commercial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (<http://auspost.com.au/media/documents/address-presentation-standard.pdf>).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table attached to this consent.

External directional signage is to be erected on site at driveway entry points and on buildings

and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access. (DACPLF05)

9. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

10. **Allocation of Spaces**

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

Two (2) spaces - Residential

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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 that adequate parking facilities to service the development are provided on site. (DACPLG01)

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

Signed

Kevin Short, Planner

The application is determined under the delegated authority of:

Phil Lane, Development Assessment Manager



















ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

	Notification Document	Title	Date
	2015/182596	Notification map	25/06/2015

ATTACHMENT C

Reference Number	Document	Date
 2015/166207	Report - Accessibility Assessment	06/05/2015
 2015/166195	Plan of Strata Subdivision	06/05/2015
 2015/166200	Report - BCA Assessment	06/05/2015
 2015/166143	Plan - Existing Floor	06/05/2015
 2015/166185	Deposited Plan Administration Sheet	06/05/2015
 2015/166134	Report Statement of Environmental Effects	15/05/2015
 DA2015/0511	5 Lawrence Street FRESHWATER NSW 2096 - Development Application - Subdivision	10/06/2015
 2015/163897	DA Acknowledgement Letter - Frank Minnici	10/06/2015
 2015/166126	Development Application Form	12/06/2015
 2015/166129	Applicant Details	12/06/2015
 2015/166131	Plan - Survey	12/06/2015
 2015/172540	File Cover	18/06/2015
 2015/172549	Referral to AUSGRID - SEPP - Infrastructure 2007	18/06/2015
 2015/182591	Notification letter 118	25/06/2015
 2015/182596	Notification map	25/06/2015
 2015/188873	Online Submission - Curry	30/06/2015
 2015/200924	Ausgrid response - DA2015/0511 - 5 Lawrence St Freshwater	10/07/2015
 2015/202429	Submission - Friends Of Freshwater Inc	13/07/2015