

**DEVELOPMENT ASSESSMENT REPORT**

**Planner:** Kye Miles  
**Address / Property Description:** Lot 2 DP 504480 Spicer Road OXFORD FALLS NSW  
2100  
Construction of a shed

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**Development Application No:** DA2019/0326

**Application Lodged:** 04/04/2019

**Plans Reference:**

151885\_Page 1.

151885\_Page 2.

151885\_Page 3.

151885\_Page 4.

151885\_Page 5.

Site plan

**Applicant:** Stuart Bruce Davey

**Owner:** S B Davey, J S Davey

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**Locality:** B2 Oxford Falls Valley

**Category:** Category Two

**Land and Environment Court  
Action:** N/A

**SUMMARY**

**Submissions:** One (1)

**Submission Issues:** Future development intentions

**Assessment Issues:** N/A

**Recommendation:** Approval

**Attachments:** N/A

**LOCALITY PLAN** (not to scale)



**Subject Site:** Lot 2 DP 504480 Spicer Road OXFORD FALLS NSW 2100

**Public Exhibition:** The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to adjoining land owners and occupiers for a period of 14 calendar days and a notice was placed upon the site.

## SITE DESCRIPTION

The site is located on the western side of Spicer Road. The lot has an area of 16488.4sqm and slopes down towards the north-east. Existing on the site are a number of metal sheds along with a single storey dwelling situated in the north-west corner of the subject site. Driveway access from Spicer Road is located on the southern section of the western boundary. The site contains large cleared areas and there is dense vegetation situated throughout the site. The surrounding development consists of large lot semi-rural properties containing a mix of dwellings and compatible semi-rural uses.

## SITE HISTORY

### DA2010/0420

This application was for the construction of swimming pool. Council refused the application on 03 May 2010, as the proposal did not detail how wastewater was to be disposed on the site.

#### REV2010/0034

This review of determination was for DA2010/0420. The applicant provided sufficient information for the disposal of wastewater, as such Council granted approval on 18 November 2010.

#### DA2019/0610

This application was for the construction of a new single storey dwelling. Council requested on 23 July 2019 for the application to be withdrawn, due to issues with the rear and side setbacks. In addition, the proposal failed to provide a site plan and sufficient details surrounding access arrangements and the proposed retaining walls. As such, the applicant withdrew the application on 29 July 2019.

#### PROPOSED DEVELOPMENT

The proposal includes the construction of steel shed on a concrete slab for the storage of plant and equipment used on the property.

#### STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2000.
- c) Warringah Local Environmental Plan 2000

#### PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to adjoining land owners and occupiers for a period of 14 calendar days and a notice was placed upon the site.

As a result of the public exhibition process, one submission was received.

The following issues were raised in the submissions:

- **Applicants future development intentions**

The matters raised within the submissions are addressed as follows:

- **Applicant's future development intentions:** The submission raised concerns about the applicant's future development intentions, with regard to the location of the proposed shed. Further, the concerns list that the proposed shed location is part of a strategy to pressure Council into approving a future redevelopment of a dwelling house in a less desirable position on the site.

Comment: Council can only consider the current proposal and on its merits, the applicant's future development intentions cannot influence the assessment of this proposal. Additionally, provided that the proposal complies with all of Council's built form controls and has no unreasonable amenity impacts to adjoining properties, it is considered that this matter does not warrant a refusal.

#### MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A

## REFERRALS

Referral Body Internal	Comments	Consent Recommended
Natural Environment – Biodiversity	<p><b>Updated comments 31/07/2019</b></p> <p>The applicant has submitted a letter from the bushfire consultant (Firebird EcoSultants Pty Ltd, 30/07/2019) which states, "It is noted that no removal of native trees or canopy species will need to be removed for the proposed development."</p> <p>No information was provided regarding if any prescribed trees would be impacted adjacent the proposed shed and stormwater infrastructure. All prescribed trees are to be retained and protected under direct supervision of an appointed Project Arborist. If this is not possible, a tree permit may be required.</p> <p>Council's Natural Environment - Biodiversity section support the application, subject to conditions.</p> <p><b>Original comments 17/06/2019</b></p> <p>This application was assessed under Warringah LEP 2000 clauses 56 Retaining unique environmental features and 58 Protection of existing flora.</p> <p>The proposal is for a new shed located within an already disturbed part of the property. The Bushfire report (Firebird ecoSultants Pty Ltd) states, "The areas of the site not built on should be managed as an Inner Protection Area (IPA) in accordance with the NSW RFS document 'Standards for Asset Protection Zones' and Appendix 2 of PBP.". There is an already approved 32m APZ for the existing dwelling. Under the PBP 2006, Council understands, sheds do not require an APZ.</p> <p>There are native trees within the property and impacts to trees have not been assessed for establishment of any proposed IPA. The sites' vegetation connects to other areas of native vegetation, known to be habitat for threatened flora and fauna.</p> <p>Council's Natural Environment - Biodiversity section cannot support the application due to insufficient information.</p> <p><i>Information required to comply with controls</i></p> <ul style="list-style-type: none"> <li>Clarification from the Bushfire consultant whether any existing native trees or vegetation are required to be removed/pruned for the installation of a shed (and justification for the IPA if required). If any native trees or vegetation are proposed to be removed or impacted, detailed information must be provided. Depending on the level of impact, this may be in the form of a Tree Removal/Retention plan and schedule prepared by a</li> </ul>	Yes

Referral Body Internal	Comments	Consent Recommended
	qualified Arborist, or an assessment report prepared by a qualified Ecologist.	

Referral Body External	Comments	Consent Recommended
Ausgrid	No response received. It is assumed there are no objections and no conditions.	Yes

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on “Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	See discussion on “Draft Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	Warringah Development Control Plan applies to this proposal.
<b>Section 79C (1) (a)(iia) – Provisions of any planning agreement</b>	None applicable.
<b>Section 79C (1) (a)(iv) – Provisions of the regulations</b>	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent.</p> <p>Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. Accordingly, appropriate conditions of consent</p>



Section 79C 'Matters for Consideration'	Comments
	are recommended for imposition should this application be considered worthy of approval.
<b>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</b>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control 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>
<b>Section 79C (1) (c) – the suitability of the site for the development</b>	The site is considered suitable for the proposed development.
<b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	See discussion on “Public Exhibition” in this report.
<b>Section 79C (1) (e) – the public interest</b>	No matters have arisen that would justify the refusal of the application in the public interest.

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)**

### **State Environmental Planning Policies (SEPPs)**

#### **State Environmental Planning Policy No 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.

## **State Environmental Planning Policy - Infrastructure**

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

## **Local Environment Plans (LEPs)**

### ***Warringah Local Environment Plan 2000 (WLEP 2000)***

#### **Desired Future Character (DFC)**

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

*“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.*

*Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.*

*The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*

*A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.*

*Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”*

The proposed development is defined as “Housing” (ancillary to a dwelling house) under the WLEP 2000 dictionary. “Housing” is identified as a Category Two land use in this locality.

## CATEGORY 2 DEVELOPMENT

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality's DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

**Requirement:** *"Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway."*

**Comment:** The proposal is for a new shed. The use will be of a low intensity and have a low impact. The development is not located on a ridgetop or in place visible from Narrabeen Lagoon or Wakehurst Parkway.

**Requirement:** *"The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged."*

**Comment:** The proposed shed does not involve the removal of any indigenous vegetation nor does involve excavation that will unreasonably disrupt the topographical features of the site. Additionally, 92.5% of the site will be retained as landscaped open space and the colours and materials chosen are suitable for the locality.

**Requirement:** *"A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape. Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained"*

**Comment:** The site does not adjoin Forest Way, Wakehurst Parkway or Narrabeen Lagoon.

As detailed above the proposed development is considered to be consistent with the Locality's DFC statement.

### Built Form Controls (Development Standards)

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Compliance Table			
Built Form Standard	Required	Proposal	Compliance
Housing Density	1 dwelling per 20ha or 1 dwelling per lot	1 dwelling on the lot	Yes
Building Height	8.5m	4.33m	Yes



Built Form Compliance Table			
Built Form Standard	Required	Proposal	Compliance
Front building setback	20m	No works in front setback	Yes
Rear/Side building setbacks	10m	18m (Northern setback)	Yes
Landscaped Open Space	30%	96.85% (15969.1sqm)	Yes
National Park Setback	20m	Does not border a national park	N/A

The proposed development is considered to satisfy the Locality's Built Form Controls, accordingly, no further assessment will be provided in this regard.

### General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
<b>CL38 Glare &amp; reflections</b>	Yes	The colours and materials chosen will minimise glare and reflection.	Yes
<b>CL39 Local retail centres</b>	No	N/A	N/A
<b>CL40 Housing for Older People and People with Disabilities</b>	No	N/A	N/A
<b>CL41 Brothels</b>	No	N/A	N/A
<b>CL42 Construction Sites</b>	Yes	Conditions of consent will ensure that the construction of the shed will not unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.	Yes
<b>CL43 Noise</b>	Yes	The location of the site and proposed use of the site is unlikely to result in any unreasonable noise impacts.	Yes
<b>CL44 Pollutants</b>	No	N/A	N/A
<b>CL45 Hazardous Uses</b>	No	N/A	N/A

General Principles	Applies	Comments	Complies
<b>CL46 Radiation Emission Levels</b>	No	N/A	N/A
<b>CL47 Flood Affected Land</b>	No	N/A	N/A
<b>CL48 Potentially Contaminated Land</b>	No	N/A	N/A
<b>CL49 Remediation of Contaminated Land</b>	No	N/A	N/A
<b>CL49a Acid Sulfate Soils</b>	No	N/A	N/A
<b>CL50 Safety &amp; Security</b>	Yes	The proposed works will maintain safety and security of the locality.	Yes
<b>CL51 Front Fences and Walls</b>	No	N/A	
<b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b>	No	N/A	N/A
<b>CL53 Signs</b>	No	N/A	N/A
<b>CL54 Provision and Location of Utility Services</b>	Yes	No change.	Yes
<b>CL55 Site Consolidation in 'Medium Density Areas'</b>	No	N/A	N/A
<b>CL56 Retaining Unique Environmental Features on Site</b>	Yes	The proposal will not unreasonably detract from any unique features of the site. The location chosen for the development have generally been previously disturbed and are considered appropriate.	Yes
<b>CL57 Development on Sloping Land</b>	No	N/A	N/A
<b>CL58 Protection of Existing Flora</b>	No	N/A	N/A

General Principles	Applies	Comments	Complies
<b>CL59 Koala Habitat Protection</b>	No	N/A	N/A
<b>CL60 Watercourses &amp; Aquatic Habitats</b>	No	N/A	N/A
<b>CL61 Views</b>	Yes	The development allows for the reasonable sharing of views.	Yes
<b>CL62 Access to sunlight</b>	Yes	The development will not overshadow any neighbouring property	Yes
<b>CL63 Landscaped Open Space</b>	Yes	Adequate LOS is provided.	Yes
<b>CL63A Rear Building Setback</b>	Yes	The rear of the site will remain adequately landscaped.	Yes
<b>CL64 Private open space</b>	Yes	Ample private open space is provided.	Yes
<b>CL65 Privacy</b>	Yes	The development will not have any unreasonable privacy impacts given the rural location and large boundary setbacks proposed.	Yes
<b>CL66 Building bulk</b>	Yes	The development complies with all built form controls and will not result in an overly bulky built form.	Yes
<b>CL67 Roofs</b>	Yes	The proposed roofing is comprised of standard pitched roofs and is compatible with the area.	Yes
<b>CL68 Conservation of Energy and Water</b>	Yes	The proposal will continue to make the most efficient use of energy and water.	Yes
<b>CL69 Accessibility – Public and Semi-Public Buildings</b>	No	N/A	N/A
<b>CL70 Site facilities</b>	Yes	The proposal will not affect the subject site's ability to provide essential services.	Yes
<b>CL71 Parking facilities (visual impact)</b>	Yes	The proposal will not affect the site's existing parking arrangement.	Yes

General Principles	Applies	Comments	Complies
<b>CL72 Traffic access &amp; safety</b>	Yes	The proposal will not affect the site's existing vehicular access.	Yes
<b>CL73 On-site Loading and Unloading</b>	No	N/A	N/A
<b>CL74 Provision of Carparking</b>	Yes	No change.	Yes
<b>CL75 Design of Carparking Areas</b>	Yes	No change.	Yes
<b>CL76 Management of Stormwater</b>	Yes	The rainwater collected from the roof of the proposed shed will be dispersed into the existing rainwater tank.	Yes
<b>CL77 Landfill</b>	No	N/A	N/A
<b>CL78 Erosion &amp; Sedimentation</b>	No	N/A	Yes
<b>CL79 Heritage Control</b>	No	N/A	N/A
<b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b>	No	N/A	N/A
<b>CL81 Notice to Heritage Council</b>	No	N/A	N/A
<b>CL82 Development in the Vicinity of Heritage Items</b>	No	N/A	N/A
<b>CL83 Development of Known or Potential Archaeological Sites</b>	No	N/A	N/A

#### Other Relevant WLEP 2000 Clauses

#### SCHEDULES

Schedule	Applicable	Compliant
Schedule 5 State policies	N/A	N/A
Schedule 6 Preservation of bushland	N/A	N/A
Schedule 7 Matters for consideration in a subdivision of land	N/A	N/A
Schedule 8 Site analysis	Yes	Yes
Schedule 9 Notification requirements for remediation work	N/A	N/A
Schedule 10 Traffic generating development	N/A	N/A
Schedule 11 Koala feed tree species and plans of management	N/A	N/A
Schedule 12 Requirements for complying development	N/A	N/A
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach	N/A	N/A
Schedule 14 Guiding principles for development near Middle Harbour	N/A	N/A
Schedule 15 Statement of environmental effects	N/A	N/A
Schedule 17 Carparking provision	N/A	N/A

#### OTHER RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS:

STATE ENVIRONMENTAL PLANNING POLICIES, REGIONAL ENVIRONMENTAL PLANS			
POLICY	ASSESSMENT	YES /NO /N/A	COMPLIES
SEPP - BASIX	BASIX Certificate supplied?	N/A	N/A
SEPP – 55	Based on the previous land uses if the site likely to be contaminated? Is the site suitable for the proposed land use?	No Yes	Yes
SEPP INFRASTRUCTURE	Is the proposal for a swimming pool, or Within 30m of an overhead line support structure? Within 5m of an overhead power line?	Yes No No	Yes – Ausgrid did not respond to the referral within the 21 day period. It is assumed there are no objections and no conditions of consent.
SREP-Sydney Regional Environmental Plan – Sydney Harbour Catchment (If applicable)		N/A	N/A

#### EPA REGULATION CONSIDERATIONS:

Regulation Clause	Applicable	Conditioned
Clause 54 & 109 (Stop the Clock)	N/A	N/A
Clause 92 (Demolition of Structures)	N/A	N/A
Clause 92 (Government Coastal Policy)	N/A	N/A
Clause 93 & 94 (Fire Safety)	N/A	N/A
Clause 94 (Upgrade of Building for Disability Access)	N/A	N/A

Regulation Clause	Applicable	Conditioned
Clause 98 (BCA)	N/A	N/A

## POLICY CONTROLS

## OTHER MATTERS FOR CONSIDERATION

## CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council.

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

## RECOMMENDATION

## APPROVAL

THAT Council as the consent authority grant Development Consent to DA2019/0326 for a Shed on land at Lot 2, DP 504480, Spicer Road OXFORD FALLS subject to the conditions in the Notice of Determination:

## 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
151885_Page 1.	26/06/2018	Best Sheds
151885_Page 2.	26/06/2018	Best Sheds
151885_Page 3.	26/06/2018	Best Sheds
151885_Page 4.	26/06/2018	Best Sheds
151885_Page 5.	26/06/2018	Best Sheds



Site Plan	Not stated	Not stated
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<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Bushfire Report	20/12/2018	Firebird ecoSultants P/L

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:

- o 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.

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

## **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](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Councils infrastructure.

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

### 5. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The shed must be set back 18.0m from the northern side boundary

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

### 6. Engage a Project Arborist and preparation of a tree protection plan

A Project Arborist with a minimum of AQF Level 5 is to be appointed for the duration of the works. The Project Arborist is to implement pre-construction tree protection measures and direct supervision all works within 5m of significant trees.

A Tree protection Plan, prepared by a minimum AQF level 5 Arborist, shall be issued to the Certifying Authority documenting the extent and alignment of tree protection measures for all existing prescribed trees within 5 metres of the proposed secondary dwelling. All tree protection measures is to be in accordance with AS4970-2009.

Evidence demonstrating Project Arborist engagement is to be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

Reason: Tree protection in accordance with relevant Natural Environment LEP/DCP controls.

#### **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. 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](http://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.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **9. Protection of Trees During Works - Certified by Project Arborist**

All prescribed trees are specifically nominated to be retained and as a requirement of the development consent shall be maintained and protected during any vegetation clearing, demolition, excavation and construction on the site. All tree protection measures are to be in accordance with Australian Standards AS 4970—2009 'Protection of Trees on Development Sites'.

A certificate demonstrating compliance must be prepared by the project arborist and submitted to the Principal Certifying Authority prior to commencement of any works on the site.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.



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

### 10. Protection of Trees To Be Retained

All existing trees and trees on adjoining lands (except exempt trees) which are not approved for removal are to be retained and protected. The following general tree protection measures are to be complied with at all times:

- no tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by the project arborist;
- all structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by the project arborist;
- all tree protection measures are to be in accordance with AS4970-2009 'Protection of Trees on Development Sites';
- all tree pruning within the subject site is to be in accordance with AS 4373-2007 'Pruning of Amenity Trees' and AS4970-2009 'Protection of Trees on Development Sites';
- all tree protection measures are to be in place prior to commencement of works.

Compliance with this condition is to be certified by the project arborist prior to issue of the Occupation Certificate.

Reason: To protect trees proposed for retention in accordance with biodiversity controls.

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

### 11. Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

Reason: Weed management.

### 12. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

**13. Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

**14. Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

**15. Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

**16. Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

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



Date 21 August 2019

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**Kye Miles, Student Planner**



Date 21 August 2019

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**Steven Findlay – Development Assessment Manager**