

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/1101
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Responsible Officer:	Tony Collier
Land to be developed (Address):	Lot 11 DP 577062, 23 Fisher Road DEE WHY NSW 2099
Proposed Development:	Demolition Works, construction of a driveway and footings in accordance with the Stage 1 development consent DA2011/1274
Zoning:	LEP - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Salvation Army NSW Property Trust
Applicant:	Rosecorp Management Services Pty Ltd

Application lodged:	21/10/2016
Application Type:	Local
State Reporting Category:	Other
Notified:	03/11/2016 to 18/11/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 41,800.00
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ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

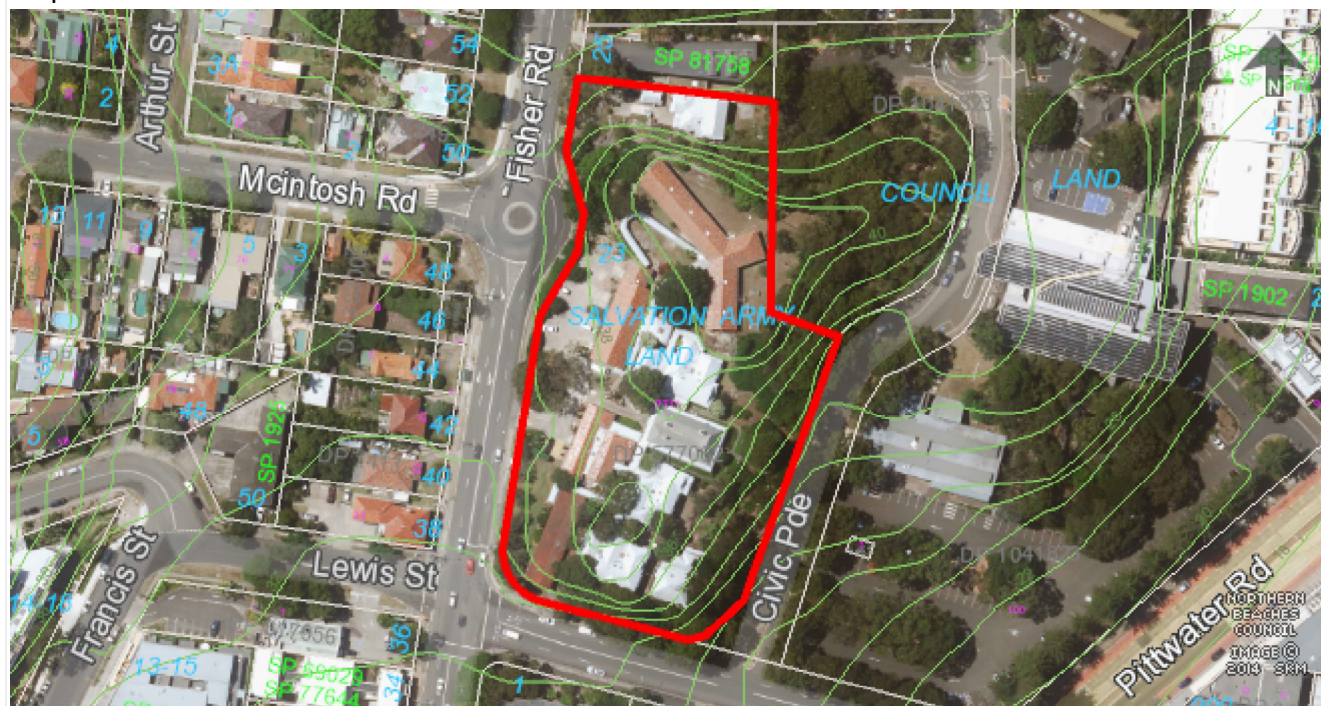
Property Description:	Lot 11 DP 577062 , 23 Fisher Road DEE WHY NSW 2099
Detailed Site Description:	<p>The subject site consists of a single allotment known as Part Lot 11 in DP 577062, No. 23 Fisher Road, Dee Why. The site is located on the corners of Fisher Road, St. David Avenue and Civic Drive. The site is irregular in shape and has an area of 1.062ha.</p> <p>The site accommodates an aged care facility owned and operated by the Salvation Army. The facility accommodates a variety of single and part-double storey buildings situated around the site, all constructed over time (1890s, 1950s and 1980s). A two storey building is located in the extreme northern part of the site. Amongst those buildings, a heritage listed building (the 'Pacific Lodge') is located within the eastern side of the site together with a 'cultural heritage garden'.</p> <p>The site currently gains vehicular access from Fisher Road via two crossovers each located to the north and south of the Fisher Road/McIntosh Road roundabout respectively. The northern crossover currently services a two storey building associated with the facility whilst the southern crossover directly services the aged care facility. Further access to the site is via two pedestrian footpaths which are located on Fisher Road and Civic Drive respectively.</p> <p>Topographically, the site consists of an elevated rock outcrop (or a formation of rock outcrops) which forms a unique and prominent landscape feature in Dee Why. The site is elevated by approximately 9.0m at the northern side (facing No. 25 Fisher Road); 7.0m at the western side (facing Fisher Road); 8.0m at the southern side (facing St. David Avenue); and 13.0m at the eastern side (facing Civic Drive). The level of the site is uneven but generally achieves its highest point in the northern half then gradually slopes down in a north-to-south direction towards St. David Avenue.</p> <p>The site is located within the B4 Mixed Use zone and is surrounded by a mix of development although low density residential is evident immediately adjacent to the west, the two storey police station and church building to the south, the Civic Centre, Dee Why Library building and open car parks to the east and a 3 storey residential flat building to the north. A pocket of remnant bushland is located immediately to the north-east of the site on the elevated rock platform facing Civic Drive (and the Civic Centre). The high density Dee Why Town Centre is located approximately</p>

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110m to the east (downhill and across Pittwater Road).

Vegetation is scattered throughout the site although dense pockets are located within the north-eastern corner and along the St. David Avenue frontage.

Map:



SITE HISTORY

The site has been the subject of the following applications:

DA2010/1979

Development Application DA2010/1979 was lodged with Council on 3 December 2010. The assessment of the application was conducted under the provisions of all relevant planning instruments, including Warringah Local Environmental Plan 2000, and identified the following matters which resulted in Council requesting its withdrawal:

- Inconsistency with State Environmental Planning Policy No. 55 – Remediation of Land
- Inconsistency with State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development.
- Insufficient information:
 - Phase 1 Preliminary Environmental Site Investigation; and
 - Flora and Fauna Report.
- Inconsistency with Desired Future Character of the E10 Civic Centre Locality.
- Non-compliance with the following Built Form Controls of the locality statement:
 - Building Height;
 - Floor to Ceiling; and
 - Side Boundary Envelope.
- Inconsistency with General Principles of Development Control:
 - Clause 52 – Development near Parks, Bushland Reserves & other Open Spaces;
 - Clause 56 – Retaining Unique Environmental Features on the Site;
 - Clause 58 – Protection of Existing Flora;

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- Clause 61 – Views;
- Clause 66 – Building Bulk;
- Clause 72 – Traffic Safety and Access;
- Clause 79 – Heritage Control; and
- Clause 82 – Development in the Vicinity of Heritage Items.

The application was subsequently withdrawn on 12 April 2011.

PLM2011/0084

A pre-lodgement meeting was held on 5 August 2011 to discuss a Stage 1 concept for demolition, construction of a residential development including basement car parking and retention of heritage items.

DA2011/1274

Development Application DA2011/1274 was lodged with Council on 4 October 2011 for Stage 1 (Concept Proposal Only) Demolition Works and Construction of Residential Flat Buildings with Associated Carparking, Landscaping and Site Works.

The application was approved by the NSW Joint Regional Planning Panel on 15 February 2012.

PLM2013/0125

A pre-lodgement meeting was held on 6 November 2013 to discuss a Stage 1 concept for demolition, construction of a residential development including basement car parking and retention of heritage items.

In particular, the meeting sought Council's position on a change to the building height of Building C on the corner of St Davids Avenue and Civic Drive whereby it was recommended that the change would be of such a significant variation to the already approved Stage 1 Development Application (DA2011/1274) as to warrant the submission of a new Stage 1 Development Application.

A new Stage 1 Development Application was not lodged.

PLM2016/0090

A pre-lodgement meeting was held on 21 September 2016 to discuss the activation of DA2011/1274 granted for Stage 1 demolition works and construction of residential flat buildings with associated carparking, landscaping and site works.

The subject application seeks to activate the consent issued under DA2011/1274 as a result of advice provided at this meeting.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for works to demolish the existing driveway within the northern part of the site and to construct a new purpose built driveway in accordance with the approval granted under the Stage 1 Development Application DA2011/1274.

Approval of this development for physical commencement will activate the consent issued under DA2011/1274 which would otherwise lapse on 16 February 2017.

In particular, the works involve:

- Part demolition of the existing driveway;

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- Part excavation of the rock outcrop which aligns the proposed driveway; and
- Construction of a new concrete driveway with footings along the northern edge of the site to form the entry into the basement carpark (not part of this application).

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(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. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the Stage 2 development application.</p> <p>Clause 70B of the EPA Regulations 2000 relates specifically to staged applications for residential flat development and states that Clause 50(1A) applies in relation to a staged development application only if the application sets out detailed proposals for the development or part of the development.</p> <p>It is acknowledged that the Development Application for the Stage 1 concept was approved for building envelopes, footprints and traffic access/egress. The subject application seeks to activate the Stage 1 consent by demolishing the existing driveway and constructing a new driveway in accordance with DA2011/1274. In this regard, a Design Verification Statement addressing the 10 Design Quality Principles of the SEPP is not required.</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</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>been addressed via a condition of consent.</p> <p><u>Clause 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This 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 Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	<p>The various controls contained within WLEP 2000 and WLEP 2011 provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the desired future character and objectives envisaged for the locality and zone.</p> <p>The Stage 1 development approved under DA2011/1274 was considered to be consistent with the desired future character of the E10 Civic Centre locality and with the Objectives of the B4 Mixed Use zone. Additionally, the development achieved compliance with the fundamental Built Form Controls (subject to the variation to the Building height Built Form Control) and is consistent with key General Principles of Development Control.</p> <p>This assessment has found the proposed demolition of the existing driveway and the construction of a new driveway to be entirely consistent with that approved under DA2011/1274 in what the community can reasonably expect to be provided on this site and within the respective localities/zones and is therefore considered, in its current form, to be in the public interest.</p>

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 of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	<p>The application was referred to Council's Development Engineer for consideration. The following comments have been provided:</p> <p>Response No. 1 (6 November 2016)</p> <p><i>"The applicant proposed to widen the existing driveway.</i></p> <p><i>However, it will influence the Council's existing pit.</i></p> <p><i>In general, Council will not accept to modify an existing pit to accommodate a driveway.</i></p> <p><i>Please refer the DA to Stormwater & Floodplain for assessment of the modification then the Development Engineer can re-assess the application."</i></p> <p>Further to clarification being provided as to the approval already granted under DA2011/1274, Council's Development Engineer reviewed the proposal and provided the following updated comments:</p> <p>Response No. 2 (15 November 2016)</p> <p><i>As discussed with Council's Stormwater & Floodplain section, we agree to the proposed crossing on the existing Council pit's location. However, the amendment of the existing stormwater pit must be designed and constructed at the applicant's cost.</i></p> <p><i>Furthermore, the median island shall also be commenced with this DA stage in order to prevent any right turn from the Fisher Road to the proposed driveway.</i></p> <p><i>An application for works to be approved within Council roadway needs to be lodged, which must be submitted with the detailed design of the</i></p>

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Internal Referral Body	Comments
	<p><i>stormwater pit, driveway crossing and median island and associated signs and line-marking on fisher road, for approval prior to issue the construction certificate.</i></p>
Landscape Officer	<p>The application was referred to Council's Landscape Officer for consideration. The following comments have been provided:</p> <p>Response 1</p> <p><i>"The proposed driveway is adjacent to a mature Corymbia citriodora (Lemon Scented Gum) on the adjoining property.</i></p> <p><i>It is noted that the Stage 1 DA Approval did not approve physical works on site and that further detailed information was to be provided with a separate Stage 2 application, including further assessment of tree impacts.</i></p> <p><i>In the Stage 1 DA application, the Arborist's Report submitted noted the following in relation to the C. citriodora, identified as Tree 72: 72 Corymbia citriodora (Lemon Scented Gum)</i></p> <p><i>"The proposed new driveway alignment is located 2.47 metres from the tree at the closest point and is calculated to potentially impact on 88.71m² or 30.65% of the tree's identified TPZ - while this is a high level of impact the existing driveway is at a 2.9 metre offset and within a substantial area of the footprint of the new driveway. If the existing alignment from the tree can be retained and the new section laid at grade to minimise any need for excavation the potential impacts to the tree could be minimised."</i></p> <p><i>The plans provided do not indicate of the drive is to be laid over existing ground levels.</i></p> <p><i>The applicant should confirm this, or in the alternative, further Arboricultural assessment on the tree is required as excavation is likely to affect the structural stability of the tree.</i></p> <p><i>At this stage there is insufficient information to assess the application. However, if existing ground levels can be retained, no objections would be raised, subject to conditions."</i></p> <p>The applicant provided the following response via email dated 10 November 2016 which was forwarded to Council's Landscape Office for review:</p> <p><i>"The existing driveway is stated in the arborist report to be 2.9m from the tree with the proposed driveway (the concept plan driveway) being 2.47m from the tree. I don't know how they got these measurements. Our proposed driveway follows the line of the existing driveway and as such should be approximately 2.9m from the tree. It is also at grade so minimal excavation is required. In other words we have followed the recommendations of the arborist report 100%. I (Rose) can confirm this</i></p>

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Internal Referral Body	Comments
	<p><i>as suggested in the referral. I believe this will be sufficient at this stage of the process."</i></p> <p>Council's Landscape Officer has provided the following comments:</p> <p>Response 2</p> <p><i>"The Stage One approval indicated that additional information was required to assess impacts on certain areas in more detail when the Stage 2 DA was lodged. The works the subject of this application are understood to be associated with preliminary investigations to satisfy those requirements.</i></p> <p><i>Tree 72 was identified as one of the trees requiring further impact investigation in relation to impacts on the proposed driveway.</i></p> <p><i>The response from the applicant regarding works to be undertaken at grade are noted.</i></p> <p><i>However, as works will be within the identified Tree Protection Zone of the tree, specific conditions relating to tree protection and Arboricultural supervision during works have been recommended to be included if consent is to be granted."</i></p>
Natural Environment (Biodiversity)	Council's natural environment, biodiversity section raise no objections to the proposal.
Traffic Engineer	<p>The proposal is for Stage 2 early work to construct a part of new driveway in accordance with Stage 1 Development Approval Da2011/1274.</p> <p>The driveway is proposed to widen the driveway to 5.5m. It is noted that the driveway design does not meet the traffic engineering requirements of provision of adequate width allowing simultaneous manoeuvre of a car and waste management truck in and out the driveway. This is to be addressed in the driveway design at the next stage.</p> <p>The median island is to be extended commencing from the existing splitter island and be extended to where it appropriately restricts the right turns in and out the widened driveway. The proposed median and associated signs and line-marking in Fisher Road shall be designed and constructed at no cost to Council.</p> <p>Detailed construction plans of the proposed median shall be submitted to Council for approval prior to construction.</p> <p>Therefore, no objection is raised on the proposal at this stage subject to the traffic engineering requirements to be addressed at the next stage.</p>
External Referral Body	Comments

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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.
NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	<p>The application was referred to the NSW RMS for consideration. The following comments were provided on 21 November 2016:</p> <p><i>"Since Fisher Road is an 'unclassified regional road' therefore the subject application does not trigger comments from the Roads and Maritime as per Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.</i></p> <p><i>The subject driveway should be constructed as per Council's satisfaction."</i></p>

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 the SEPP requires the Consent Authority to consider whether land is contaminated.

As noted in the Preliminary Heritage Assessment which supported the Stage 1 Development Application (DA2011/1274), the site has been under continual occupation for residential/aged care purposes since 1890-92 with redevelopments occurring in the 1950s and 1980s. In this respect there is a possibility that the site may contain residual building materials which have resulted from any prior demolition/construction works.

That application included a Stage 1 Environmental Site Assessment dated 8 July 2011 as prepared by Coffey Environments Australia Pty Ltd. The Assessment concluded that:

- *"There is a low to high likelihood of contamination being present on the site where the proposed redevelopment is located from past and present activities.*

The key Areas of Environmental Concern (AEC) that may affect the proposed development are:

- *Asbestos Containing Material (ACM) and/or Synthetic Mineral Fibre (SMF) being present within the existing buildings on the site;*
- *Potential construction waste discarded on the site; and*
- *Herbicide use around historic and existing garden beds.*

Based on the findings, Coffey considers that site development is feasible subject to the following recommendations:

- *A Hazardous Material Survey be conducted across the site and within the building structures to identify ACM and/or SMF;*
- *Removal of all building refuse across the site to a licensed disposal facility;*
- *Limited soil sampling in the above AECs and in garden beds and analysis for identified Potential Contaminants of Concerns (PCOCs); and*
- *Should contamination be detected in these areas, that presents an unacceptable risk to human health or the environment, then management and/or remediation may be required."*

This application does not seek consent to demolish the buildings in question but only seeks consent to demolish the existing driveway and to construct a new driveway in accordance with DA2011/1274.

Notwithstanding, given that the recommends that a Hazardous Material Survey be conducted across the site (and not just the existing buildings) the recommendations made in the Stage 1 Environmental Site Assessment are included as part of the conditions in the Recommendation of this report.

SEPP (Infrastructure) 2007

Ausgrid

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

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.

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.

Roads and Maritime Service (RMS)

Development Application DA2011/1274 consisted of 96 dwellings and proposed a new crossover onto Fisher Road which is a classified road (Sub-arterial road (Regional road). As such, the development triggered a requirement to refer the application to the RMS under Column 3 of Schedule 3 as Traffic generating Development.

Notwithstanding that this application does not seek consent for the construction of the Stage 2 development, it is noted that the RMS included in their response particular conditions pertaining to the proposed driveway. In this regard, and given that this application seeks approval for the construction of the same driveway, the application was referred back to the RMS for their consideration and comment.

The following comments were provided on 21 November 2016:

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"Since Fisher Road is an 'unclassified regional road' therefore the subject application does not trigger comments from the Roads and Maritime as per Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

The subject driveway should be constructed as per Council's satisfaction."

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

The development seeks consent to activate the Stage 1 Development Application (DA2011/1274) by demolishing the existing driveway and constructing a new driveway. The development is in accordance with the approval granted for DA2011/1274.

The development does not introduce any new works which are to be considered under the various Development Standards of WLEP 2011.

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.6 Exceptions to development standards	N/A
5.9AA Trees or vegetation not prescribed by development control plan	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built form controls for the site are contained under Area 10 (Civic Centre) of Part G Special Area Controls in the WDCP 2011.

The development proposed by this application is considered to be entirely consistent with the controls listed under Clause G1 Dee Why Mixed Use Area (Area 10 Civic Centre).

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	N/A	Yes
C2 Traffic, Access and Safety	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
Area 10 Civic Centre	Yes	Yes

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 DA2016/1101 for Demolition Works, construction of a driveway and footings in accordance with the Stage 1 development consent DA2011/1274 on land at Lot 11 DP 577062, 23 Fisher Road, DEE WHY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.01 (A) - Site Plan	20 October 2016	Rose Architectural Design
S001 (A) - Driveway Profile Plan	12 October 2016	Rose Architectural Design

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

d) 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. **Prescribed Conditions**

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

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

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

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

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

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

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

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

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

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways,

parks or grass verges without Council Approval.

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

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

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

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

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

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

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

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

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

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

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

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

swimming pools.

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

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

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

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

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

4. **Consent to be read in conjunction with DA2011/1274**

This consent is to be read in conjunction with DA2011/1274 dated 15 February 2012.

Reason: To ensure consistency with the Stage 1 approval. (DACPLBOC2)

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

6. **Works Bonds**

Construction, Excavation and Associated Works Bond

NORTHERN BEACHES COUNCIL

A Bond of \$ 16000 as security against any damage or failure to complete the construction of stormwater drainage and road works as part of this consent.

Construction, Excavation and Associated Works Bond (Maintenance for civil works)
The developer/applicant must lodge with Council a Maintenance Bond of \$ 5000. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

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

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

7. **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 fisher Road.

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development. (DACENC06)

8. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

9. **Submission Road Acts application for civil works on road reserve**

An Application for Works to be Approved within Council Roadway, including engineering plans is to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the driveway crossing, the amendment of the existing stormwater pit and the proposed median and associated signs and linemarking which are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/ or Council's Minor Works Policy. The plan shall be prepared by a qualified structural engineer. The design must include the following information:

1. The new crossing must be designed for the rigid vehicles in accordance with Australian Standard Parking facilities part 2 : off -street Commercial vehicle facilities
2. The stormwater pit must be designed to cater for the vehicle traffic loads including the construction period of the development
- 3) The stormwater pit must be designed in accordance with Council's Minor Work Policy.
- 4) The proposed median must be extended from the existing splitter island to restrict any right turn from Fisher Road to the proposed property.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

The Council approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the protection of the Council's stormwater infrastructure. (DACENCPC1)

10. **Waste Management Plan**

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal 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.(DACHPC03)

11. **Tree trunk branch and root protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land, including 1 x *Corymbia citriodora* (Lemon Scented Gum) located on the adjoining property at No. 25 Fisher Road.

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

12. **Tree Protection Plan**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
- General tree protection measures

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

(c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

13. **Pre-Construction Dilapidation Survey**

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at <https://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/2014-119050-guidelines-preparing-dilapidation-survey-council-stormwater-assets-april-2014.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

14. **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)

15. 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 THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

16. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved

works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

17. **Tree Protection**

i) All tree protection measures as required by the conditions of this consent are to be installed prior to commencement of approved works on the site.

ii) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of construction.

Reason: Protection of retained trees (DACLADPC1)

18. **Project Arborist**

i) The applicant must engage a suitably qualified and experienced Project Arborist (Australian Qualification Framework level 5 or above) to oversee the proposed works and employ best practices (e.g. minimise compaction, soil build up and or excavation within tree protection zone) to ensure the longevity of trees to be retained, with particular reference to 1 x *Corymbia citriodora* (Lemon Scented Gum) located on the adjoining property at No.25 Fisher Road, identified as Tree 72 in the Stage One consent.

ii) The Project Arborist is to attend on site during critical stages of excavation and construction works within the vicinity of trees to be retained and is to record the following information:

- a) the methods of excavation or construction used to carry out works;
- b) any damage sustained by the tree/s as a result of the works;
- c) any subsequent remedial works required to be carried out by the applicant as a result of the works;
- d) any future or on-going remedial work required to be carried out to ensure the long term health of the trees.

iii) The Principal Certifying Authority and Project Arborist must ensure that:

- (a) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site unless approved under this consent in which case such activities are to be minimised as directed by the Project Arborist, and
- (b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

iv) The tree protection measures specified in this clause must:

- (a) be in place before work commences on the site, and
- (b) be maintained in good condition during the construction period, and
- (c) remain in place for the duration of the construction works.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: To ensure tree protection is provided and maintained (DACLADPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

20. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

21. **Post- construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/2014-119050-guidelines-preparing-dilapidation-survey-council-stormwater-assets-april-2014.pdf>

The post construction dilapidation report must be submitted to the Council for review as request. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

A letter from Council indicating this condition has been satisfied is to be submitted to Certifying Authority.

Reason: Protection of Council's Infrastructure

22. **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.

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

23. **Trees Condition**

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

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

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

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

Reason: Protection of Trees. (DACLAEO3)

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

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

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

25. **Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at

<https://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/stormwater-and-development/guideline-preparing-works-executed-data-council-stormwater-assets.pdf>

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)

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

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

NORTHERN BEACHES COUNCIL

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 satisfactory management. (DACPLF01)

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

Signed


Tony Collier, Senior Development Planner

The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A

Notification Plan	Title	Date
 2016/350626	Plan - Notification	19/10/2016

ATTACHMENT B

Notification Document	Title	Date
 2016/359581	Notification Map	03/11/2016

ATTACHMENT C

Reference Number	Document	Date
 2016/350626	Plan - Notification	19/10/2016
 2016/350630	Plans - External	19/10/2016
 2016/350660	Report - Statement of Environmental Effects	19/10/2016
 2016/350638	Driveway Profile Plan	19/10/2016
 2016/350623	Cost Summary Estimate	19/10/2016
 2016/350644	Plans - Stormwater Plans - Concept	20/10/2016
 2016/350659	Plans - Stormwater - Erosion and Sediment Control	20/10/2016
 DA2016/1101	23 Fisher Road DEE WHY NSW 2099 - Development Application - Alterations and Additions	21/10/2016
 2016/345647	DA Acknowledgement Letter - Rosecorp Management Services Pty Ltd	21/10/2016
 2016/350603	Development Application Form	26/10/2016
 2016/350609	Applicant details	26/10/2016
 2016/359581	Notification Map	03/11/2016
 2016/359739	Notification Letter - 37 posted 3/11/2016	03/11/2016
 2016/362323	Referral Response 1 - Development Engineering	05/11/2016
 2016/365768	Referral Response 1 - Landscape	09/11/2016
 2016/378534	Referral Response 2 - Landscape	18/11/2016
 2016/379289	Natural Environment Referral Response - Biodiversity	18/11/2016
 2016/380946	Email response from RMS	22/11/2016
 2016/380949	Referral - Roads and Maritime Services - 23 Fisher Road Dee Why	22/11/2016
 2016/380950	Referral Response - RMS	22/11/2016
 2016/385275	Referral Response 1 - Development Engineering	25/11/2016
 2016/387435	Referral Response - Roads and Maritime Services	28/11/2016
 2016/390613	Referral Response - Traffic Engineer	30/11/2016
 2016/391616	Referral Response 2 - Development Engineering	30/11/2016
 2016/392680	Stamped Plans	30/11/2016
 2016/392858	Obsolete - DA Follow Up Referral - Rosecorp Management Services Pty Ltd	30/11/2016
 2016/393073	Cancel	30/11/2016