

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/0926
----------------------------	-------------

<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be developed (Address):</b>	Lot 202 DP 1126065, 8 Coastview Place FRESHWATER NSW 2096 Lot A DP 403609, 6 Dick Street FRESHWATER NSW 2096
<b>Proposed Development:</b>	Boundary adjustment
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Benjamin James Humel
<b>Applicant:</b>	Humel Architects Pty Ltd

<b>Application Lodged:</b>	08/06/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Subdivision only
<b>Notified:</b>	Not Notified
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 0.00
---------------------------------	---------

### PROPOSED DEVELOPMENT IN DETAIL

The proposal involves boundary adjustment of Lot 202 in DP 1126065 and Lot A in DP 4043609, 8 Coastview Place and 6 Dick Street. The western and southern boundaries of 6 Dick Street are shifted to the north-east.

This reduces the lot size at 6 Dick Street and enlarges the lot at 8 Coastview Place. The new lot sizes are as follows:

Lot 1 (8 Coastview Place) : 1152sqm

Lot 2 (6 Dick Street): 450sqm

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C1 Subdivision

### SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 202 DP 1126065 , 8 Coastview Place FRESHWATER NSW 2096</p> <p>Lot A DP 403609 , 6 Dick Street FRESHWATER NSW 2096</p>
<b>Detailed Site Description:</b>	<p>The subject lots are known as 8 Coastview Place (Lot A DP 403609) and 6 Dick Street (Lot A DP 403609) and have a combined area of 1620m<sup>2</sup>. Both sites are irregular in shape and a dwelling house is contained on both sites.</p> <p>The site is located within the R2 Low Density and surrounding development consists of a mix of residential dwellings of single, two and three storey construction and a three storey residential flat building.</p> <p>Both sites contain areas of steep localised slopes and areas of rock outcrops and small to medium size canopy trees, including Norfolk Island Pine Trees. Access to 8 Coastview is provided by a right of way from Coastview Place which also provides access to 6 Coastview Place. Access to 6 Dick Street is provided from a vehicle cross-over and driveway from Dick Street.</p>

Map:



## SITE HISTORY

A recent Modification (**MOD2021/0231**) of **DA2010/1191** was **granted** consent on 24 November 2021 for alterations to the dwelling house and attached granny flat. The site history of this application is relevant to the subject application and is as follows:

The site has been used for residential land use for a number of years.

Development Application **DA2010/1191** was granted consent on 4 November 2010 for the alterations and additions to a dwelling house.

The approved works were as follows:

- Convert existing three (3) unit residential flat building to housing (single dwelling with granny flat)
- New first floor addition to existing building
- Minor internal modification to existing floorplan

Modification Application **MOD2011/0170** was granted consent on 15 September 2011 for Modification of Development Consent DA2010/1191.

The modified works were as follows:

Addition of stone clad feature walls to the north and western elevations to accommodate storage and an ensuite at ground and first floor levels.

Addition to southern elevation at first floor level to accommodate additional floor space to increase the size of the bathroom and provide a linen cupboard.

Addition to the northern corner of the building at ground and first floor level to provide additional floorspace to bedrooms 1 and 5.

The description of the proposed works on the notice of determination is also required to be amended as it was incorrect, reading 'Alterations and Additions to a Dwelling House'. As such, it was amended to

read 'Alterations and Additions to a Residential Flat Building and Change of Use to a Dwelling House with Attached Granny Flat' as per the report and minutes of the Application Determination Panel.

Modification Application **MOD2012/0098** was granted consent on 23 July 2012 for the modification of Development Consent DA2010/1191.

The modified works were as follows:

Increase the ground floor area by approximately 31 square metres to incorporate an enlarged double garage and storeroom with external stone cladding along the south-western building facade.

Relocate first floor level bedroom 4 to ground floor level bedroom 6

Amend first floor level bedroom 4 to incorporate a new secondary dining room

Relocate first floor level office to ground floor level bedroom 5 enlarge the ground floor level bedroom 5 and convert bedroom 5 into a new entry foyer and entry stairs with external stone-cladding

Amend first floor level to incorporate an enlarged bedroom 2 and bedroom 3

Amend first floor level bedroom 1 to incorporate an enlarged master bedroom 1 ensuite

Amend first floor level bathroom to incorporate separate shower/bath and the toilet/wash basin facilities

Internal modifications to the first floor level approved bar/living room to incorporate an enlarged living room with adjoining 'kitchenette-styled' full kitchen facilities

Amend existing granny flat level to remove the eat-in kitchen/dining area to incorporate a new wardrobe off bedroom 1 no changes/modifications to the approved rumpus room level.

Modification Application **MOD2012/0258** was granted consent on 13 March 2013 to modify Development Consent DA2010/1191.

The modified works were as follows:

Internal reconfiguration of the floor plan at the ground and first floor level and result in the addition of floor space at the rear of the existing house

New laundry and study to the rear of the house at the ground floor level

Amending the first floor level by rearranging the layout of Bed 2, Bed 3 and the bathrooms. This has resulted in an increase in building area of approximately 15m<sup>2</sup>.

Modification Application **MOD2015/0001** was granted consent on 27 March 2015 to modify Development Consent DA2010/1191.

The modified works were as follows:

- Extension (2.5m<sup>2</sup>) of ground floor laundry
  - Extension (2m<sup>2</sup>) of ground floor office
  - Extension (2m<sup>2</sup>) of first floor bedroom 1
  - Extension (2m<sup>2</sup>) of first floor bedroom 2
  - Extension (1m<sup>2</sup>) of first floor laundry
  - Extension of window on the southern elevation (first floor office).
- 
- Development Application **DA2019/0093** for the alterations and additions to a dwelling house including a swimming pool and conversion of existing garage into detached studio and boundary adjustment was approved by Council on the 16/08/2019.
  - Modification Application **MOD2020/0650** for the Modification of Development Consent DA2019/0093 for alterations and additions to a dwelling house including a swimming pool and conversion of existing garage into detached studio and boundary adjustment was withdrawn from Council on the 5/02/2021.

- Development Application **DA2017/0544** for the alterations and additions to a dwelling house and garage including swimming pool and landscaping was withdrawn from Council on the 27/06/2017.
- 
- Development Application **DA2014/0677** for the subdivision of land (boundary adjustment) of Lot 1 (8 Coastview Place, Lot 202 DP 1126065) and Lot 2 (6 Dick Street, Lot A DP 403609), with the deletion of delete the Right Of Way as part of the application was approved by Council on the 01/09/2014.
- 
- Development Application **DA2013/0470** for the construction of a driveway was rejected by Council on the 06/05/2013.

Pre-lodgement Meeting **PLM2021/0040** was held on 04/03/2021 for the alterations and additions to a dwelling house including a swimming pool and granny flat. The applicant was provided with the following advice in the conclusion of the notes:

- The increase in size of the secondary dwelling is not supported; and
- The proposed modifications to the dwelling house could be supported with confirmation of no loss of landscaped area

Pre-lodgement Meeting **PLM2018/0285** was held on the 11/12/2018 for the alterations and additions to a dwelling house. The applicant was provided with the following advice in the conclusion of the notes:

- The proposal is generally acceptable, subject to the following amendment being made:
- Setback the proposed home office to be at a distance of no closer than 2m from the front boundary; and
- Achieve full compliance with the minimum landscaped open space requirement.

Pre-lodgement Meeting **PLM2013/0031** was held on the 10/04/2013 for the subdivision (2 into 3 Lots), construction of two new dwelling houses and the relocation of the existing right of carriageway. The applicant was provided with the following advice in the conclusion of the notes:

- The proposed dwelling houses for Lots 203 and Lot 204 do not provide adequate landscaping to allow adequate softening of the visual impact of the proposed development and to be within landscape settings, particularly within the front setback areas along the street frontages being Coastview Place for Lot 203 and Dick Street for Lot 204.
- Reconsideration of the layout is to be considered to provide greater compliance with the requirements and controls of the Waringah LEP and DCP.

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

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.



Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;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 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah/Manly/Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	The proposal was not notified (in accordance with Council's Community Participation Plan).
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application was not notified.

## REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Applicant seeks approval for a boundary adjustment between two lots which were previously approved. No Development Engineering objection subject to recommended conditions.

## 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)

Nil

## Warringah Local Environmental Plan 2011

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

## Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	450sqm	Lot 1: 1152sqm Lot 2: 450sqm	N/A	Yes

## Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	Yes
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

## Warringah Development Control Plan

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### C1 Subdivision

Component	Requirement	Proposed	Compliant
<b>Lot requirements</b>	<p>R2 Low Density Residential zone requirements:</p> <p>Proposed new allotments:</p> <p>a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m<sup>2</sup></p>	<p><u>Width</u> Lot 1: 13m-23m Lot 2: 23.725m</p> <p><u>Depth</u> Lot 1: 42m Lot 2: 24.74m</p> <p><u>Building Area</u> Lot 1: 150sqm Lot 2: 150sqm</p>	<p>Yes</p> <p>No for Lot 2 but as existing</p> <p>Yes</p>
<b>Access</b>	<p>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a</p>	<p>The proposal is for a boundary adjustment only. No building or site works are proposed.</p> <p><u>Lot 1</u> Access to the site is provided by</p>	Yes



section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.

Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.

Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.

Driveways in excess of 200 metres will not be allowed for residential development.

Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.

Passing bays should have regard to sight conditions and minimise vehicular conflict.

Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.

Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.

Width of accessways are to be as follows:

Number of lots to be serviced	Width of clear constructed accessway (m)
1 - 5	3.5
6 - 10	5.0

an existing 3.6m wide ROW from Coastview Place which services one other property, being 6 Coastview Place.

#### Lot 2

Access to the site is provided by an existing driveway from Dick Street.

	<table><tr><td>in excess of 10</td><td>Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)</td></tr></table> <p>Provision of services in rights of carriageway are as follows:</p> <table><tr><td>Number of lots to be serviced</td><td>Additional width to be provided in Right of Carriageway (m)</td></tr><tr><td>Up to 3 lots</td><td>0.5</td></tr><tr><td>4 or more lots</td><td>1.0</td></tr></table>	in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)	Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)	Up to 3 lots	0.5	4 or more lots	1.0		
in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)										
Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)										
Up to 3 lots	0.5										
4 or more lots	1.0										
<b>Design and construction</b>	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.</p> <p>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>	<p>The proposal is for a boundary adjustment only. No building or site works are proposed. As such, existing infrastructure will continue to service each lot.</p>	Yes								
<b>Drainage</b>	<p>Provision should be made for each allotment to be drained by</p>	<p>The proposal is for a boundary adjustment only. No building or</p>	Yes								

	gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.	site works are proposed. Therefore, the existing/approved stormwater drainage infrastructure is suitable.	
<b>Restrictions</b>	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	No right of carriageways are proposed.	Yes
<b>Environmentally constrained land</b>	In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.  Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.	The proposal is for a boundary adjustment only. No building or site works are proposed.  The site is not identified as being bushfire prone land.	Yes
<b>Bushfire</b>	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	The site is not identified as being bushfire prone land.	Yes

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

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 DA2022/0926 for Boundary adjustment on land at Lot 202 DP 1126065, 8 Coastview Place, FRESHWATER, Lot A DP 403609, 6 Dick Street, FRESHWATER, subject to the conditions printed below:

## **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

### **1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A1 - 99266-1B7 - Plan of Subdivision of Lot 202 in DP 1126065	30 May 2022	NK Bennett & O'Donnel

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

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

2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

updated information.

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

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

Reason: Legislative requirement.

### 3. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.

- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or 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) 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.
- (k) 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.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (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 2018

- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

### 4. **Removal of Unauthorised structures in Council Road Reserve**

All unauthorised structures (suspended parking slab) located within the public road in Coastview Place must be removed and reinstated to Council's requirements.

Reason: To ensure removal of illegal structures located within public property (consistent with the requirement under DA2014/0677).

## CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

### 5. **Sydney Water Compliance Certification**

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

### 6. **Release of Subdivision Certificate**

The final plan of subdivision will not be issued by Council until the development has been

completed in accordance with terms and conditions of the development consent.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

**7. Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

**8. Certification encroachment on serves between the propoerties.**

The submission of a Surveyor's Certificate stating that no services, drainage lines or accessways encroach over the proposed boundary other than as provided for by easements created by the final plan of subdivision

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

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

**Signed**



**Thomas Prosser, Planner**

The application is determined on 22/08/2022, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**