

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2021/0246 |
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|---|---|
| Responsible Officer: | Thomas Burns |
| Land to be developed (Address): | Lot 35 DP 5466, 2 Surfers Parade FRESHWATER NSW 2096 |
| Proposed Development: | Alterations and additions to a dwelling house to include the conversion of a garage |
| Zoning: | Warringah LEP2011 - Land zoned R2 Low Density Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Simon James Milnthorp Holt Andrea Dale Rule |
| Applicant: | Drafting Help Pty Ltd |

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|----------------------------------|---|
| Application Lodged: | 25/03/2021 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 31/03/2021 to 14/04/2021 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 85,000.00 |
|---------------------------------|--------------|

PROPOSED DEVELOPMENT IN DETAIL

This application seeks development consent for alterations and additions to a dwelling house, which includes the following:

- Conversion of the existing detached garage at the rear of the property to an office space with bathroom (including showering facilities), and storage.
- Removal of an existing step adjacent to the front porch to increase the depth of the driveway.
- Use of the front driveway off Surfers Parade for off-street parking for two vehicles.

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 - B5 Side Boundary Setbacks

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - C8 Demolition and Construction

Warringah Development Control Plan - C9 Waste Management

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

| | |
|-----------------------------------|---|
| Property Description: | Lot 35 DP 5466 , 2 Surfers Parade FRESHWATER NSW 2096 |
| Detailed Site Description: | <p>The subject site consists of one allotment with frontages to Surfers Parade and Soldiers Avenue, Freshwater. Vehicular access is provided via both frontages, however pedestrian access is provided via Surfers Parade.</p> <p>The site is rectangular in shape with frontages of 10.06m in width to the respective frontages and a depth of 40.235m. The site has a surveyed area of 404qm.</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the WLEP 2011 and accommodates a two storey dwelling house, including a swimming pool and a detached single car garage adjacent to the Soldiers Avenue frontage.</p> <p>The site is generally flat and experiences a minor fall of approximately 1.3m that slopes away from Soldiers Avenue</p> |

towards the north-eastern corner fronting Surfers Parade.

Landscaping on the site consist of shrubs and a palm tree approximately 13m in height.

Description of Surrounding Development

The surrounding built environment generally consists of detached low density residential development, typically 1-2 storeys in height.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

18 September 2019

A Complying Development Certificate (CDC2019/0688) was submitted to Council for the following alterations and additions to a residential dwelling: redesign of the kitchen, laundry, a new roof to the patio area and works to the kitchen ceiling. A Notice of Commencement (NOC2019/1140) was provided to Council on 18 September 2019, and a Final Occupation Certificate (FOC2020/1014) was submitted to Council for these works on 21 February 2020.

5 June 2002

A Development Application (DA2002/0808) was lodged with Council for alterations and additions to a residential dwelling, including a first floor addition. This application was approved, subject to conditions. A Construction Certificate was issued on 20 September 2002.

APPLICATION HISTORY

The Assessment Officer undertook a site visit at the subject site and examined the site's surrounds on 16 April 2021.

Following preliminary assessment of the application, Council wrote to the applicant raising concern that the proposal would only allow for 1 off-street parking space, which was reduced from 2 compliant spaces by converting the garage into a studio.

Amended plans were submitted removing an existing step adjacent to the front porch, which in turn increased the depth of the front driveway off Surfers Parade to allow for 2 compliant vehicles to be parked, in accordance with the Australian Standards. The amendments involved a reduced impact through providing compliant off-street parking and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration' | Comments |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on "Environmental Planning Instruments" in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan 2011 applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended plans.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> |
| | |

| Section 4.15 Matters for Consideration' | Comments |
|--|---|
| 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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | No submissions were received. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 31/03/2021 to 14/04/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

| Internal Referral Body | Comments |
|--|---|
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as</p> |

| Internal Referral Body | Comments |
|------------------------|---|
| | this however may be determined at Construction Certificate Stage. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A404806, dated 5 February 2021).

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

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 |
|----------|-------------|----------|-------------|----------|
|----------|-------------|----------|-------------|----------|

| | | | | |
|----------------------|------|----------------|-----|-----|
| Height of Buildings: | 8.5m | Proposed: 3.3m | N/A | Yes |
|----------------------|------|----------------|-----|-----|

Compliance Assessment

| Clause | Compliance with Requirements |
|---------------------------------|------------------------------|
| 4.3 Height of buildings | Yes |
| 6.4 Development on sloping land | Yes |

Warringah Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---|--|-------------------------------------|--------------|----------|
| B1 Wall height | 7.2m | 2.4m | - | Yes |
| B3 Side Boundary Envelope | 5m (eastern elevation) | within envelope | - | Yes |
| | 5m (western elevation) | within envelope | - | Yes |
| B5 Side Boundary Setbacks | 0.9m (eastern boundary) | 6.5m - as existing | - | Yes |
| | 0.9m (western boundary) | Nil - as existing | 100% | No |
| B7 Front Boundary Setbacks | Primary Frontage: Surfers Parade 6.5m | 0.1m (use of hardstand area) | 98.46% | No |
| | Secondary Frontage: Soldiers Avenue 3.5m | .02m | 94.28% | No |
| B9 Rear Boundary Setbacks | 6m | N/A | N/A | N/A |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40% (161.6sqm) | 22.1% - as existing (89.3sqm) | 44.75% | No |

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|----------------------------|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| B1 Wall Heights | Yes | Yes |
| B3 Side Boundary Envelope | Yes | Yes |
| B5 Side Boundary Setbacks | No | Yes |
| B7 Front Boundary Setbacks | No | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| C2 Traffic, Access and Safety | Yes | Yes |
| C3 Parking Facilities | Yes | Yes |
| C8 Demolition and Construction | No | Yes |
| C9 Waste Management | No | Yes |
| D1 Landscaped Open Space and Bushland Setting | No | Yes |
| D2 Private Open Space | Yes | Yes |
| D3 Noise | Yes | Yes |
| D6 Access to Sunlight | Yes | Yes |
| D7 Views | Yes | Yes |
| D8 Privacy | Yes | Yes |
| D9 Building Bulk | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D20 Safety and Security | 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 |
| E6 Retaining unique environmental features | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

This control requires development to be setback 0.9m from both side boundaries. The proposed development will retain the existing western side setback distance for the detached garage. However, as the proposal includes a change of use to this structure to become a more useable space on the site, a merit consideration is conducted below.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The proposed development is located entirely over the building footprint of the existing detached garage. In this instance, there are no impacts upon the existing landscaped areas and, as such, the site will continue to allow for deep soil landscaped areas.

- *To ensure that development does not become visually dominant.*

Comment:

The proposed development is located entirely within the existing detached garage. As such, the built form does not change. Notwithstanding the change of use of this structure, the proposal will not become visually dominant along Soldiers Avenue.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

As discussed above, the built form does not change as a result of the proposed development. As such, the bulk and scale of the building remains minimised.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

Notwithstanding the numerically non-compliant western side setback, the proposal will not result in an unreasonable level of privacy, amenity and solar access to the adjoining property, being 4 Surfers Parade, in that the existing detached structure on the subject site adjoins a two (2) vehicle garage (see image below). Further, the existing vegetation along the western elevation of the subject site will reasonably obscure the door and window along the northern elevation. In this instance, a reasonable level of privacy and amenity are achieved. Due to the single storey nature of the structure, no unreasonable solar impacts will arise.



Image 1. Rear detached garages for 2 and 4 Surfers Parade.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The non-compliance to this control will not give rise to any unreasonable impacts upon views currently enjoyed by adjoining properties.

Concluding Remarks

Having regard to the above assessment, it is concluded that the proposed development achieves the objectives of this control. Therefore, the application is supported on merit.

B7 Front Boundary Setbacks

Description of non-compliance

The control requires development to be setback 6.5m from primary frontages (Surfers Parade) and 3.5m from secondary frontages (Soldiers Avenue). The use of the driveway off Surfers Parade is sited in the primary front setback area, which fails to meet the prerequisite. Furthermore, the use of the garage as a studio is located within the secondary front setback area, which does not satisfy the numeric requirement. It is important to note that no additional structures are proposed to be constructed, with the proposal only seeking to use an existing structure and driveway.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The studio is confined to an existing building footprint, being the existing garage off Soldiers Avenue. In this regard, the development will not preclude a sense of openness within the secondary frontage. Furthermore, the use of an existing driveway as a hardstand for parking will not detract from a sense of openness within the primary frontage.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

No additional built structures are proposed within the primary and secondary frontages. Therefore, the proposal will maintain the visual continuity and pattern of buildings and landscaped elements.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

Given no additional works are proposed within the primary and secondary frontages, the proposal will not detract from the visual qualities of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

Given no additional built structures are proposed, the development will not give rise to unreasonable view loss.

Concluding Remarks

Having regard to the above assessment, it is concluded that the proposed development achieves the objectives of the control. Therefore, the application is supported on merit.

C8 Demolition and Construction

The application was not accompanied by a Waste Management Plan. To ensure the proper disposal of builder's waste, a suitable condition has been included with this consent requiring the applicant to prepare a Waste Management Plan in accordance with Council's Waste Management Guidelines. The plan is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

C9 Waste Management

The application was not accompanied by a Waste Management Plan. To ensure the proper disposal of builder's waste, a suitable condition has been included with this consent requiring the applicant to prepare a Waste Management Plan in accordance with Council's Waste Management Guidelines. The plan is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

D1 Landscaped Open Space and Bushland Setting

The control requires at least 40% of the site to comprise landscaped open space. The existing landscaped open space is non-compliant at 22.1%.

In assessing this application, it is noted that the proposed works comprise using an existing garage as a studio and an existing driveway as a hardstand for off-street parking. The proposal does not alter the existing landscaped open space on the site. Therefore, the existing non-compliance is supported on merit in this particular circumstance.

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 2019

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 DA2021/0246 for Alterations and additions to a dwelling house to include the conversion of a garage on land at Lot 35 DP 5466, 2 Surfers Parade, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|---|------------|---------------|
| Drawing No. | Dated | Prepared By |
| Sheet SP - Site Plan | 25/01/2021 | Drafting Help |
| Sheet 4- West Elevation | 25/01/2021 | Drafting Help |
| Sheet 6 - East Elevation | 25/01/2021 | Drafting Help |
| Sheet 8 - South Elevation | 25/01/2021 | Drafting Help |
| Sheet 9 - North Elevation | 25/01/2021 | Drafting Help |
| Sheet 11 - Section B | 25/01/2021 | Drafting Help |
| Sheet 12 - Pool House | 25/01/2021 | Drafting Help |
| Sheet 13 - Roof Plan | 25/01/2021 | Drafting Help |
| Sheet 14 - West/North Elevations | 25/01/2021 | Drafting Help |
| Sheet 15 - East/South Elevations | 25/01/2021 | Drafting Help |
| Sheet 16 - Ground Floor Plan | 25/01/2021 | Drafting Help |
| Sheet CP - Car Parking Plan | 25/01/2021 | Drafting Help |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|--|------------|--------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| BASIX Certificate No. A404806 | 05/02/2021 | LivSmart Solutions |

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

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

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

2. **Approved Land Use - Detached Studio**

Nothing in this consent shall authorise the use of studio on the approved plans for any land use of the site beyond the definition of a detached studio.

This land use is defined as follows:

detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and—

- (a) is established in conjunction with a dwelling house, and
- (b) is on the same lot of land as the dwelling house, and
- (c) is separate from the dwelling house, and
- (d) is not used as a separate dwelling house, and
- (e) does not contain any cooking facilities.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

3. **Prescribed Conditions**

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

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

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

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

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

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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.

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

6. Weatherproofing and Dampness Requirements

The floor of the proposed office is to be treated to prevent moisture from the ground causing undue dampness or deterioration of building elements and unhealthy or dangerous conditions or loss of amenity for the occupants.

The external walls of the proposed office including window openings and other openings are to be adequately weatherproofed to prevent penetration of water that could cause unhealthy or dangerous conditions or deterioration of building elements.

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

Reason: To ensure adequate provision is made for building occupant health and amenity.

7. Compliance with Standards

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

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

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

8. External Finishes to Roof

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

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

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

9. Vehicle Driveway and Gradients

The Applicant is to ensure driveway gradients and parking within the private property and road are to be in accordance AS/NZS 2890.1:2004.

Details demonstrating compliance (certification from Civil or traffic Engineer) are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

10. **Waste Management Plan**

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Waste Management During Development**

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

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

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

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

Signed



Thomas Burns, Planner

The application is determined on 07/05/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments