

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2021/0047 |
|----------------------------|-------------|

|   |  |
|---|--|
| <b>Responsible Officer:</b>               | Maxwell Duncan   |
| <b>Land to be developed (Address):</b>    | Lot 22 DP 975183, 22 / 9999 Kooloora Avenue<br>FRESHWATER NSW 2096<br>Lot 1 DP 909023, 9999 The Esplanade FRESHWATER<br>NSW 2096<br>Lot 2797 DP 820312, Kooloora Avenue FRESHWATER<br>NSW 2096<br>Lot 21 DP 975183, 21 / 9999 Kooloora Avenue<br>FRESHWATER NSW 2096 |
| <b>Proposed Development:</b>              | Alterations and additions to a Community Facility  |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned RE1 Public Recreation   |
| <b>Development Permissible:</b>           | Yes  |
| <b>Existing Use Rights:</b>               | No   |
| <b>Consent Authority:</b>                 | Northern Beaches Council   |
| <b>Delegation Level:</b>                  | NBLPP  |
| <b>Land and Environment Court Action:</b> | No   |
| <b>Owner:</b>                             | Department Of Lands  |
| <b>Applicant:</b>                         | Northern Beaches Council   |

|                                  |                          |
|----------------------------------|--------------------------|
| <b>Application Lodged:</b>       | 04/02/2021               |
| <b>Integrated Development:</b>   | No                       |
| <b>Designated Development:</b>   | No                       |
| <b>State Reporting Category:</b> | Community facility       |
| <b>Notified:</b>                 | 12/02/2021 to 26/02/2021 |
| <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> | \$ 220,000.00 |
|---------------------------------|---------------|

### EXECUTIVE SUMMARY

The development application seeks consent for alterations and additions to a community facility being the Freshwater Surf Life Saving Club (Freshwater SLSC) building.

The subject building is a local heritage listed item - Item I66 - Freshwater Surf Life Saving Club - Freshwater Beach, listed in *Schedule 5 Environmental Heritage of Warringah Local Environmental Plan*

2011.

The public exhibition of the application Council resulted in no (0) submissions.

The proposal is referred to the Local Planning Panel as it is an application categorised as having a 'conflict of interest' as the land on which the proposed development is located is a Crown Reserve, however Northern Beaches Council is the Crown Land Manager (under the Crown Lands Management Act 2016).

## **PROPOSED DEVELOPMENT IN DETAIL**

The development application seeks consent for alterations and additions to a community facility being the Freshwater SLSC building, pursuant to *Warringah Local Environmental Plan 2011* (WLEP 2011).

Specifically, the development involves:

- Alterations and additions to the existing building; including
  - Mezzanine (level 3) extension to include a new meeting room and office;
  - Minor internal alterations.
- Erection of one (1) free standing illuminated sign.

No operational changes are proposed.

## **OWNERS CONSENT**

- **Is the land a Crown Reserve?**  
Yes, the land is part of Crown Reserve (64997 and 5000403) for Public Recreation.
- **Is Council the Crown land manager under the Crown Lands Management Act 2016?**  
Yes, Council is the Crown Land Manager of Freshwater (64997 and 5000403).
- **Can it be taken that the Minister has given consent on behalf of the Crown for its Crown land manager to sign as land owner? (What section of the Act applies?)**  
Council, as Community Land Manager, may make a Development Application without the need for consent of the Crown, as owner of the land.
- **Is the land classified as community land under the Local Government Act 1993?**  
Yes, the land is classified as community land.
- **Is there a Plan of Management and if so, are the proposed works consistent with that Plan?**  
Yes, the Coastal Lands Plan of Management 2002. The Plan which was adopted on 24 September 2002, applies to the subject site and authorises a 20 year lease for the Freshwater Surf Life Saving Club. The works fall within the existing lease area, and maintains the existing use of the building as a volunteer life saving and beach patrol service and associated training and club activities.

## **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 - D10 Building Colours and Materials

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

|                                   |   |
|-----------------------------------|---|
| <b>Property Description:</b>      | <p>Lot 22 DP 975183 , 22 / 9999 Kooloora Avenue FRESHWATER NSW 2096</p> <p>Lot 1 DP 909023 , 9999 The Esplanade FRESHWATER NSW 2096</p> <p>Lot 2797 DP 820312 , Kooloora Avenue FRESHWATER NSW 2096</p> <p>Lot 21 DP 975183 , 21 / 9999 Kooloora Avenue FRESHWATER NSW 2096</p>   |
| <b>Detailed Site Description:</b> | <p>The subject site is located at the eastern end of Kooloora Avenue, within a public recreational reserve that adjoins Kooloora Avenue, Gore Street and Moore Road and Freshwater Beach to the east.</p> <p>The site is located within the RE1 Public Recreation zone and accommodates Freshwater Surf Life Saving Club building.</p> <p>The site contains a heritage listed item, being Item I66 - Freshwater Surf Life Saving Club - Freshwater Beach, listed in Schedule 5 Environmental Heritage of <i>Warringah Local Environmental Plan 2011</i>.</p> <p>The site is located within an existing wildlife corridor.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> |

Adjoining and surrounding development is characterised by public reserve to the north, south and west. Freshwater beaches adjoins the property to the east.

Map:



## SITE HISTORY

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

**PLM2019/0297** - Alterations and Additions to an existing surf club (meeting held 23 January 2020).

## 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 community purposes for an extended period of time. The proposed development retains the community 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 applies to this proposal.   |
|  |  |

| Section 4.15 Matters for Consideration'  | Comments  |
|--|---|
| Section 4.15 (1) (a)(iii) – 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 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;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&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> <p><u>Clause 143A</u> of the EP&amp;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 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><br/>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) <b>Social Impact</b><br/>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></p>   |

| Section 4.15 Matters for Consideration'  | Comments   |
|--|--|
|  | The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use. |
| 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 | See discussion on “Notification & Submissions Received” in this report.  |
| 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 12/02/2021 to 26/02/2021 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 respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>  |
| NECC (Bushland and Biodiversity)                   | <p>The proposed development has been assessed against the following controls:</p> <ul style="list-style-type: none"> <li>• SEPP (Coastal Management) - Coastal Environment Area</li> <li>• Warringah DCP E2 - Prescribed Vegetation</li> <li>• Warringah DCP E3 - Threatened Species, Populations and Ecological Communities</li> <li>• Warringah DCP E4 - Wildlife Corridors</li> <li>• Warringah DCP E5 - Native Vegetation</li> </ul> |

| Internal Referral Body  | Comments  |                   |                                   |   |
|---|---|-------------------|-----------------------------------|---|
|   | <ul style="list-style-type: none"> <li>• Warringah DCP E6 - Retaining unique environmental features</li> </ul> <p>The proposal is generally within the existing development footprint and as such, will not impact upon remnant native vegetation or wildlife corridors.</p>  |                   |                                   |   |
| NECC (Coast and Catchments)   | <p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b><br/> <u>Comment:</u><br/> The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b><br/> <u>Comment:</u><br/> The subject land has been included on the 'Coastal Use Area' map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 14 and 15 of the CM SEPP apply for this DA.</p> <p>On internal assessment and as also assessed in the submitted Statement of Environmental Effects (SEE) report prepared by Natalie Richter Planning dated 21 December 2020, the DA satisfies requirements under clauses 14 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b><br/> <u>Comment:</u><br/> No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p> |                   |                                   |   |
| Strategic and Place Planning (Heritage Officer)   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th data-bbox="520 1921 1439 1955" style="text-align: left;">HERITAGE COMMENTS</th> </tr> <tr> <th data-bbox="520 1955 1439 1995" style="text-align: left;">Discussion of reason for referral</th> </tr> <tr> <td data-bbox="520 1995 1439 2139"> <p>The proposal has been referred to Heritage as the site contains a heritage listed item, being <b>Item I66 - Freshwater Surf Life Saving Club - Freshwater Beach</b>, listed in <i>Schedule 5 Environmental</i></p> </td> </tr> </table>  | HERITAGE COMMENTS | Discussion of reason for referral | <p>The proposal has been referred to Heritage as the site contains a heritage listed item, being <b>Item I66 - Freshwater Surf Life Saving Club - Freshwater Beach</b>, listed in <i>Schedule 5 Environmental</i></p> |
| HERITAGE COMMENTS   |   |                   |                                   |   |
| Discussion of reason for referral   |   |                   |                                   |   |
| <p>The proposal has been referred to Heritage as the site contains a heritage listed item, being <b>Item I66 - Freshwater Surf Life Saving Club - Freshwater Beach</b>, listed in <i>Schedule 5 Environmental</i></p> |   |                   |                                   |   |

| Internal Referral Body | Comments  |     |  |
|------------------------|---|-----|--|
|                        | <i>Heritage of Warringah Local Environmental Plan 2011.</i>   |     |  |
|                        | <b>Details of heritage items affected</b>   |     |  |
|                        | <p>Details of the item as contained within the Northern Beaches inventory is as follows:</p> <p><b>Item I66 - Freshwater Surf Life Saving Club</b></p> <p><u>Statement of significance:</u><br/>A building of strong social significance which continued on from earlier clubhouses in this location. Historically evidence of the development of popular beach culture in the inter-war years. Good example of inter-war mediterranean style of architecture.</p> <p><u>Physical description:</u><br/>Two storey cement rendered building on rear dunes of beach. Hipped tiled roof, with gable at top. Observation tower with hipped tiled roof. Arched &amp; square headed openings.</p>   |     |  |
|                        | <b>Other relevant heritage listings</b>   |     |  |
|                        | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  | No  |  |
|                        | Australian Heritage Register  | No  |  |
|                        | NSW State Heritage Register   | No  |  |
|                        | National Trust of Aust (NSW) Register   | No  |  |
|                        | RAIA Register of 20th Century Buildings of Significance   | No  |  |
|                        | Other   | N/A |  |
|                        | <b>Consideration of Application</b>   |     |  |
|                        | <p>The proposal seeks consent for alterations and an infill addition to the existing contemporary club building, abutting the heritage listed club house, which effectively involves enclosing the existing roof terrace area above the entry to create a new meeting room.</p> <p>It is noted that the proposed addition remains within the footprints of the existing contemporary building and does not involve any changes to the heritage listed club house. The proposed roof matches the existing roof form and material of the contemporary building, however the wall colour has been proposed to match the heritage item's wall colour. Heritage recommends to change this colour to match the contemporary building as to allow the visual separation of the heritage building from the later additions.</p> |     |  |



| Internal Referral Body                      | Comments  |
|---|---|
|   | <p>Therefore, no objections are raised to this application on heritage grounds, subject to one condition.</p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011.</u><br/> Is a Conservation Management Plan (CMP) Required? No<br/> Has a CMP been provided? No<br/> Is a Heritage Impact Statement required? Yes<br/> Has a Heritage Impact Statement been provided? Yes</p> <p><b>Further Comments</b></p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 05 March 2021</p>   |
| Strategic and Place Planning (Urban Design) | <p>The proposal demonstrates a minimal impact addition that will have no significant impacts to the heritage context/adjacent surf club building.</p> <p>Additionally, the roof structure and material integration with the contemporary addition abutting the heritage building has no major or additional impacts on scale and bulk; the addition sitting relatively within the existing building footprint and roofline, and comprising an infill to the outdoor verandah space, wall, fenestrated enclosure and roof over.</p> <p>The drawings and perspective renders demonstrate the addition is to be painted to match the existing heritage building. Refer annotation on drawing no. 22002.15/E Elevations and Sections Detail 4. Section CC which describes the intended wall finish to be '<i>. . . lined with selected cladding . . . [with] applied textured paint finish externally to match existing</i>'.</p> <p>Concern is raised with this strategy, given the heritage element should sit distinctly apart from the contemporary addition.</p> <p>As such is it recommended the proposed addition would be better integrated if it were to closer match the contemporary building; materiality, colour, proportion and scale, leaving the heritage element distinctly separate from the addition to the contemporary building.</p> |
| Waste Officer (Council Land)                | <p>The application has very little waste impact and is supported from a waste perspective.</p> <p>It is noted however that plasterboard is nominated for recycling at Kimbriki, however this location does not provide recycling of Plasterboards.</p> <p>Sites where plasterboard can be recycled can be found here <a href="https://www.regyp.com.au/plasterboard-recycling-sites-nsw">https://www.regyp.com.au/plasterboard-recycling-sites-nsw</a>.</p> <p>The application is supported subject to conditions</p>   |

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 community 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 community land use.

**SEPP 64 - Advertising and Signage**

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

| Matters for Consideration   | Comment  | Complies   |
|---|--|------------|
| <p><b>1. Character of the area</b><br/>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>  | <p>The sign is compatible with the locality being within a public reserve.</p>   | <p>YES</p> |
| <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>  | <p>The sign is consistent with what would be expected for a public precinct</p>  | <p>YES</p> |
| <p><b>2. Special areas</b><br/>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or</p> | <p>The site is not identified as having any particular visual qualities, environmental qualities or within a heritage area. The sign is not directly adjacent to residential properties.</p> | <p>YES</p> |

|  |  |     |
|--|--|-----|
| residential areas?   |  |     |
| <b>3. Views and vistas</b><br>Does the proposal obscure or compromise important views?   | No views are obscured.   | YES |
| Does the proposal dominate the skyline and reduce the quality of vistas?   | No, the sign is below the existing tree canopy level.  | YES |
| Does the proposal respect the viewing rights of other advertisers?   | The sign does not conflict with any other signage.   | YES |
| <b>4. Streetscape, setting or landscape</b><br>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  | Yes, the sign is of a height that allows it to be viewed from the public reserve and public car park whilst sitting below the tree line.   | YES |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape?  | The sign will allow for the display of surf club information which will benefit the community and be consistent with the theme of signage on the land.   | YES |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising?  | The signage strategy consolidates the signage into consistent areas which reduce visual clutter.   | YES |
| Does the proposal screen unsightliness?  | The site does not contain any unsightliness to screen.   | YES |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality?   | The signage does not protrude above building, structures or tree canopies.   | YES |
| <b>5. Site and building</b><br>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?   | The proposed signage is considered to be compatible with the scale, proportion and character of the site and the building.   | YES |
| Does the proposal respect important features of the site or building, or both?   | The signage respects the character of the public recreation zone in which it is located.   | YES |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both?  | The signage exhibits a level of imagination required to portray a recreational/community activity.   | YES |
| <b>6. Associated devices and logos with advertisements and advertising structures</b><br>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | There is no other structure except for the electronic sign and no additional lighting apart from internal illumination.  | YES |
| <b>7. Illumination</b><br>Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?  | The proposed illumination will not result in an unreasonable level of glare nor affect the safety of pedestrians, vehicles or aircraft nor detract from the amenity of the other uses of the reserve | YES |
|  |  |     |

|   |  |     |
|---|--|-----|
| Can the intensity of the illumination be adjusted, if necessary?  | The level of the intensity of the illumination could be adjusted by changing the light fittings.   | YES |
| Is the illumination subject to a curfew?  | The sign is capable of being programmed to switch on and off as necessary. The proposed signage will be subject to the the following hours of operation Monday - Sunday: 6:00am - 9:00pm | YES |
| <b>8. Safety</b><br>Would the proposal reduce the safety for any public road, pedestrians or bicyclists?                | The signage does not contain any animation or flashing lights such that it would not reduce the safety of any public road, pedestrians or bicyclists.                                    | YES |
| Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | The sign is located within the property boundary and does not obscure sight lines along public road or vehicle entrances.  | YES |

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

### **SEPP (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### **14 Development on land within the coastal use area**

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
    - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

#### Comment:

The development is located within the coastal use area. The development will not result in any adverse impact on the items within (1)(a). Council is satisfied that the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a).

**15 Development in coastal zone generally—development not to increase risk of coastal hazards**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

Council's Coast and Catchments Division has provided comments indicating that the proposal satisfies the requirements under Clause 15.

As such, it is considered that the application does/does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

**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 |

Compliance Assessment

| Clause                            | Compliance with Requirements |
|-----------------------------------|------------------------------|
| 5.8 Conversion of fire alarms     | Yes                          |
| 5.10 Heritage conservation        | Yes                          |
| 6.1 Acid sulfate soils            | Yes                          |
| 6.2 Earthworks                    | Yes                          |
| 6.4 Development on sloping land   | Yes                          |
| Schedule 5 Environmental heritage | Yes                          |

**Warringah Development Control Plan**

Compliance Assessment

| Clause                         | Compliance with Requirements | Consistency Aims/Objectives |
|--------------------------------|------------------------------|-----------------------------|
| A.5 Objectives                 | Yes                          | Yes                         |
| C2 Traffic, Access and Safety  | Yes                          | Yes                         |
| C3 Parking Facilities          | Yes                          | Yes                         |
| C4 Stormwater                  | Yes                          | Yes                         |
| C7 Excavation and Landfill     | Yes                          | Yes                         |
| C8 Demolition and Construction | Yes                          | Yes                         |
| C9 Waste Management            | Yes                          | Yes                         |
| D3 Noise                       | Yes                          | Yes                         |
|                                |                              |                             |

| Clause  | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| D6 Access to Sunlight   | Yes                          | Yes                         |
| D7 Views  | Yes                          | Yes                         |
| D8 Privacy  | Yes                          | Yes                         |
| D9 Building Bulk  | Yes                          | Yes                         |
| D10 Building Colours and Materials  | No                           | Yes                         |
| D11 Roofs   | Yes                          | Yes                         |
| D12 Glare and Reflection  | Yes                          | Yes                         |
| D14 Site Facilities   | Yes                          | Yes                         |
| D18 Accessibility and Adaptability  | 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                         |
| D23 Signs   | No                           | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation   | Yes                          | Yes                         |
| E2 Prescribed Vegetation  | Yes                          | Yes                         |
| E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat | Yes                          | Yes                         |
| E4 Wildlife Corridors   | Yes                          | Yes                         |
| E5 Native Vegetation  | Yes                          | Yes                         |
| E6 Retaining unique environmental features  | Yes                          | Yes                         |
| E10 Landslip Risk   | Yes                          | Yes                         |

### Detailed Assessment

#### **D10 Building Colours and Materials**

##### Merit consideration

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

- *To ensure the colours and materials of new or altered buildings and structures are synpathetic to the surrounding natural and built environment.*

##### Comment:

The site holds importance within the Freshwater Community and is a local heritage item under the WLEP 2011. The application was supported by a schedule of colours and finishes, which specifies that the proposed extension is to meet the colour and texture of the original Surf Club Building. Council's Heritage advisor has reviewed the proposal and notes the following:

*"It is noted that the proposed addition remains within the footprints of the existing contemporary building and does not involve any changes to the heritage listed club house. The proposed roof*

*matches the existing roof form and material of the contemporary building, however the wall colour has been proposed to match the heritage item's wall colour. Heritage recommends to change this colour to match the contemporary building as to allow the visual separation of the heritage building from the later additions".*

As such, the proposed colour and finishes as currently proposed are not supported. A condition has been imposed as part of this recommendation to ensure a more suitable colour scheme for the proposal and to allow for visual separation from the original heritage building. The amended colour scheme is to be approved by Council's Heritage Advisor, prior to the issue of any construction certificate.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## D23 Signs

### Description of non-compliance and/or inconsistency

The application proposes one (1) pieces of signage consisting of the following:

| Sign   | Requirement  | Width | Height | M <sup>2</sup> | Complies |
|--|--|-------|--------|----------------|----------|
| Freestanding signs (not being a sign elsewhere listed in this table, and includes a bulletin board, tenancy board, and the like) | Shall not exceed 2 metres in height above the existing natural ground level;<br>Shall not have an area greater than 4sqm;<br>Shall not project beyond the boundary of the premises; and<br>Shall not be illuminated. | 1.62m | 2.45m  | 3.97sqm        | No       |

### Merit consideration

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

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

#### Comment:

Whilst the free standing sign is non-compliant with the required height, the actual signage area is suitable in size and centrally located so not to dominate the landscape/beach setting of the area. The signage scheme is considered to provide, in a simple but clear design format, suitable identification of the principal land use and the ancillary facilities and services which the surf club provides.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment:

The proposal is considered to be well designed and does not result in visual clutter.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment:

The proposed sign is not expected to cause unreasonable impact to the visual amenity of the streetscape or surrounding locality, subject to conditions. Freestanding Signs are a common type of sign found within public recreation areas.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment:

No residential properties are located within close proximity to the site.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

The proposed signage will not have a unreasonable impact upon the heritage item.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, 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**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$2,200 is required for the provision of new and augmented public



infrastructure. The contribution is calculated as 1% of the total development cost of \$220,000.

## **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

The assessment of the proposed development has found the proposal has sufficient merit, has addressed the relevant planning and environmental issues and is a suitable and appropriate development for the site and locality.

The proposal is assessed as being consistent with Warringah LEP 2011 and the general principles of the Warringah DCP 2011 well as the relevant SEPP's.

The report addresses all relevant considerations within this report and conditions have been imposed in relation to colour scheme of the proposal and operation of the proposed signage.

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

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/0047 for Alterations and additions to a Community Facility on land at Lot 22 DP 975183, 22 / 9999 Kooloora Avenue, FRESHWATER, Lot 1 DP 909023, 9999 The Esplanade, FRESHWATER, Lot 2797 DP 820312, Kooloora Avenue, FRESHWATER, Lot 21 DP 975183, 21 / 9999 Kooloora Avenue, 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

| <b>Architectural Plans - Endorsed with Council's stamp</b> |                  |                       |
|--|------------------|-----------------------|
| <b>Drawing No.</b>   | <b>Dated</b>     | <b>Prepared By</b>    |
| 220012.10/B  | 27 November 2020 | Priestleys Architects |
| 220012.11  | 27 November 2020 | Priestleys Architects |
| 220012.12/C  | 27 November 2020 | Priestleys Architects |
| 220012.13/E  | 27 November 2020 | Priestleys Architects |
| 220012.14/C  | 27 November 2020 | Priestleys Architects |
| 220012.15/E  | 27 November 2020 | Priestleys Architects |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |              |                    |
|---|--------------|--------------------|
| <b>Report No. / Page No. / Section No.</b>  | <b>Dated</b> | <b>Prepared By</b> |
| BCA Performance Solution  | 3 June 2020  | Code Performance   |

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

c) The development is to be undertaken generally in accordance with the following:

| <b>Waste Management Plan</b> |                  |                          |
|------------------------------|------------------|--------------------------|
| <b>Drawing No/Title.</b>     | <b>Dated</b>     | <b>Prepared By</b>       |
| Waste Management Plan        | 21 December 2020 | Northern Beaches Council |

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.

## FEES / CHARGES / CONTRIBUTIONS

### 4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,200.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$220,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 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](http://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. **Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

### 7. **Material and Colour Finishes**

The proposed addition to the existing contemporary building should be finished so as to integrate with the contemporary building, reflecting the colour and material finish. Colours and finishes that assist to recede the additions/development and match the existing contemporary building is required.

Details of alternative colours representing a recessive colour scheme and not matching the walls of the heritage item to be submitted to Council's Heritage Advisor for approval prior to the issue of any Construction Certificate.

Reason :To preserve the significance of the heritage item.

### 8. **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.

### 9. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority

demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- “Tap in” details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 10. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

### 11. **Wildlife protection**

If native wildlife is injured or killed during works, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be provided to the Principal Certifying Authority.

Reason: To protect native wildlife.

### 12. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling: timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

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

### 13. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental



weeds.

14. **Stormwater Drainage Disposal Certification**

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

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

15. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

16. **Hours of Operation - Signage**

The hours of operation for the illuminated signage are to be restricted to:

- Monday to Sunday and Public Holidays: 6:00am and 9:00pm.

Reason: Information to ensure that amenity of the surrounding locality is maintained.