

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1204
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Responsible Officer:	David Auster
Land to be developed (Address):	Lot 30 DP 2427, 184 Pittwater Road MANLY NSW 2095
Proposed Development:	Subdivision of one lot into two
Zoning:	Manly LEP2013 - Land zoned R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Stepping Stone Custodian Pty Ltd
Applicant:	Stepping Stone Custodian Pty Ltd

Application Lodged:	22/10/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	30/10/2020 to 13/11/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to subdivide the existing allotment to provide two allotments of 270.3m² and 250m².

No physical works are proposed to the existing building.

The proposal will provide two dwellings within each proposed allotment, defined as a dual occupancy.

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

Manly Development Control Plan - 4.1.1.1 Residential Density and Dwelling Size

Manly Development Control Plan - 4.1.1.2 Residential Land Subdivision

Manly Development Control Plan - 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

Manly Development Control Plan - 4.4.8 Subdivision

SITE DESCRIPTION

Property Description:	Lot 30 DP 2427 , 184 Pittwater Road MANLY NSW 2095
Detailed Site Description:	<p>The site is located on the eastern side of Pittwater Road between Ruby Lane and Pacific Lane. The site is trapezoid with a front boundary of 15.24 metres and a rear boundary 15.87 metres, a northern side boundary of 36.345 metres and a southern side boundary of 31.935 metres. The site has an area of 520.3m².</p> <p>On the site is a two-storey residential flat building providing four units with an open space area to the rear. A brick garage is provided to the rear and accessed from Pacific Lane.</p> <p>The site is zoned R3 under the provisions of the Manly Local Environmental Plan 2013. The building is identified as a Heritage Item and is within a Heritage Conservation Area (C1 – Pittwater Road Conservation Area). The site is also located in the vicinity of a Heritage item located at 167 Pittwater Road (former service station).</p> <p>The locality is characterised by a mix of low and medium scale residential development with some commercial development. Adjoining the site to the south is a pair of single storey semi-detached dwellings. Adjoining the site to the north is a two storey townhouse development. The</p>

opposite side of Pittwater Road comprises residential and commercial buildings.

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 no previous development consents. The heritage report provided with the application states that the existing building was constructed in 1908. A survey plan Council has on file (Trim no. 2019/020162) identifies the building as "Conc Building Flats" (survey dated 28 May 1981). No other relevant information was discovered.

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	Manly Development Control Plan applies to this proposal.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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&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&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&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This 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 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> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 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 Manly Development Control Plan 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</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 30/10/2020 to 13/11/2020 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	No objections to the proposal to subdivide the current development into two dwellings within each proposed allotment subject to confirmation that relevant 'secondary dwellings' on each proposed allotment comply with matters appropriate to this planning use and including fire separation requirements prior to the issue of any subdivision Certificate. Condition/s applied.
Landscape Officer	<p>The proposal is for the subdivision of one lot into two lots.</p> <p>Council's Landscape Referral section have assessed the application against the Manly Local Environment Plan, and against the following landscape controls of Manly DCP 2013:</p> <ul style="list-style-type: none"> • section 3: General Principles of Development, including but not limited to clauses 3.3.1 Landscape Design, and 3.3.2 Preservation of Trees and Bushland Vegetation, • section 4: Development Controls and Development Types, including but not limited to clauses 4.4.8 Subdivision. <p>The existing landscape character of the site is a typical suburban garden with trees and vegetation located within the frontage. The</p>

Internal Referral Body	Comments																																	
	<p>Subdivision proposal does not impact upon trees and vegetation, and these are proposed for retention.</p> <p>Landscape Referral raise no objections.</p>																																	
NECC (Development Engineering)	Development Engineer has no objection to the application subject to the following condition of consent.																																	
Strategic and Place Planning (Heritage Officer)	<table><tr><th colspan="3">HERITAGE COMMENTS</th></tr><tr><th colspan="3">Discussion of reason for referral</th></tr><tr><td colspan="3"><p>The proposal has been referred to Heritage as it is a heritage item, being Item I205 - House - 184 Pittwater Road and located in the Pittwater Road Conservation Area, as listed in Schedule 5 of Manly LEP 2013.</p></td></tr><tr><th colspan="3">Details of heritage items affected</th></tr><tr><td colspan="3"><p>Details of the item as contained in the Manly heritage inventory is as follows:</p><p>Item I205 - House <u>Statement of significance:</u> This building is an unusual example of an Arts and Crafts building. This item is of local cultural heritage significance as it demonstrates the pattern of development associated with Pittwater Road. Constructed on the main road, it is associated with the development of the area following the introduction of the tram service. An unusual Arts and Crafts style house constructed of concrete block resembling ashlar stonework, a rare example of its kind in Manly and possibly the state which contributes to the significance of the Pittwater Road Conservation Area overall.</p><p><u>Physical description:</u> Unusual concrete block single storey residence with Arts and Crafts influence. Concrete block finished to resemble rock faced ashlar stonework. Parapeted entry with recessed door and verandah. Roughcast chimney. Low front fence has matching blockwork with pipe rail. Infill to front and side verandah. Extensions to rear.</p></td></tr><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of</td><td>No</td><td></td></tr></table>	HERITAGE COMMENTS			Discussion of reason for referral			<p>The proposal has been referred to Heritage as it is a heritage item, being Item I205 - House - 184 Pittwater Road and located in the Pittwater Road Conservation Area, as listed in Schedule 5 of Manly LEP 2013.</p>			Details of heritage items affected			<p>Details of the item as contained in the Manly heritage inventory is as follows:</p> <p>Item I205 - House <u>Statement of significance:</u> This building is an unusual example of an Arts and Crafts building. This item is of local cultural heritage significance as it demonstrates the pattern of development associated with Pittwater Road. Constructed on the main road, it is associated with the development of the area following the introduction of the tram service. An unusual Arts and Crafts style house constructed of concrete block resembling ashlar stonework, a rare example of its kind in Manly and possibly the state which contributes to the significance of the Pittwater Road Conservation Area overall.</p> <p><u>Physical description:</u> Unusual concrete block single storey residence with Arts and Crafts influence. Concrete block finished to resemble rock faced ashlar stonework. Parapeted entry with recessed door and verandah. Roughcast chimney. Low front fence has matching blockwork with pipe rail. Infill to front and side verandah. Extensions to rear.</p>			Other relevant heritage listings			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	No	
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Internal Referral Body	Comments
	Significance
	Other
	N/A
	Consideration of Application
	<p>The proposal is for the subdivision of the subject site. Although the existing property is a semi detached dwelling, its street presence is a single dwelling as there is a party wall between the two sections of the building. It is not known whether this party wall extends to the roof as it is noted in the Heritage Impact Statement that prepared by John Oultram Heritage & Design. It is also noted that the proposed subdivision will not alter the curtilage of the house or the existing single dwelling presence on the streetscape.</p> <p>Therefore, no objections are raised to this application on heritage grounds, subject to the imposition of a condition regarding the extension of the party wall.</p> <p><u>Consider against the provisions of CL5.10 of MLEP 2013</u> Is a Conservation Management Plan (CMP) No Required? Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
	Further Comments
	<p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 23 October 2020</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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 (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The site is within the coastal environment area. The proposal does not involve any physical works, and is simply for subdivision of the site on paper. It will not impact on any of the matters for consideration above.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

No physical works are proposed. There will be no impacts on the matters for consideration listed above.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

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:

No physical works are proposed. There will be no impacts on any coastal hazards.

Manly Local Environmental Plan 2013

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

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Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	250sqm	Lot 1: 270.3sqm	N/A	Yes
		Lot 2: 250.0sqm	N/A	Yes
Floor Space Ratio	FSR: 0.6:1	FSR: 0.44:1 (120.1sqm)	N/A	Yes
		FSR: 0.5:1 (124.7sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision—consent requirements	Yes
4.1 Minimum subdivision lot size	Yes
4.4 Floor space ratio	Yes
5.10 Heritage conservation	Yes
6.4 Stormwater management	Yes
6.9 Foreshore scenic protection area	Yes
6.12 Essential services	Yes

Manly Development Control Plan

Built Form Controls

No changes are proposed to the built form.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	No	Yes
4.1.1.2 Residential Land Subdivision	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	Yes	Yes
4.1.5 Open Space and Landscaping	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.4.8 Subdivision	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

Detailed Assessment

4.1.1.1 Residential Density and Dwelling Size

The control requires that dwelling density be no higher than 1 dwelling per 250sqm of site area. The proposal will not comply with this requirement as there are four existing dwellings on the existing site (4 dwellings per 520.3sqm site area, or 1 per 130.1sqm). The proposal will not alter the current situation across the whole site, but will be subdivided along the party wall between units 1 and 4, and units 2 and 3. This will result in Lot 1 having a dwelling density of 1 dwelling per 135.2sqm, and Lot 2 will have a density of 1 dwelling per 125sqm. Although this creates a technical non-compliance for the new lots, practically speaking nothing is changed from the existing situation across the whole site. The subdivision along the party wall through the approximate centre of the site is the most logical location for the new boundary. Given that the proposal essentially maintains the existing situation, refusal of the application is not recommended based on this issue.

4.1.1.2 Residential Land Subdivision

The control requires that "The future development of new lots is to be considered in DAs for subdivision. A subdivision involving a new lot for residential development less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan. Concept plans of likely future redevelopment may be required in this regard."

The proposal will subdivide the existing site along the existing party wall, and the plans indicate retention of the existing dwellings on each lot. As such, the proposal is considered to comply with this control.

4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)

The proposal will maintain the existing situation on site. There is currently a garage, and an uncovered paved parking space located on the new Lot 1. As such, Lot 1 will have two car spaces, and Lot 2 will have none. However, each new lot will contain an attached dual occupancy. For this reason, it is not considered necessary or reasonable to require one of the existing car spaces to be allocated to each new lot. There are currently four dwellings on site and two car spaces. The subdivision of the lot will not change the existing situation in this regard in that there will be the same number of parking spaces for the same number of dwellings across the two lots. The proposal is considered acceptable in this regard.

4.4.8 Subdivision

The prevailing subdivision pattern in the immediate vicinity is highly variable, but there are numerous examples of lots of a similar size and width as the proposal in the immediately surrounding area. The

proposal is considered to be consistent with the historical subdivision pattern in this regard. Visually, the subdivision will not alter the character of the site, as no alterations or building works are proposed. The proposal is considered compliant with the requirements of this control.

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;
- Manly Local Environment Plan;
- Manly 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 DA2020/1204 for Subdivision of one lot into two on land at Lot 30 DP 2427, 184 Pittwater Road, MANLY, 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
Plan of Subdivision of Lot 30 Section 2 in D2427, Surveyor's Reference: 3972DP, Revision A	13/5/2020	Scott Hosking
DA-01 Revision A	06.07.2020	Chapman Architecture

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

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

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

2. **Prescribed Conditions**

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

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

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

Reason: Legislative requirement.

3. **Compliance with Standards**

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

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

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

4. **Fire Safety Upgrade requirements**

The dividing walls between occupancies are to be upgraded where required to comply with the requirements of Volume 2 of the Building Code of Australia, Part 3.7.2.4. The existing walls, and any required upgrade works are to be independently certified by a suitably qualified Accredited Certifier or Fire Engineer as compliant with the required standard/s.

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

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety and reducing spread of fire.

5. **Laundry Facilities upgrade**

The layout of the bathroom/laundry area is to be designed/modified to incorporate clothes washing facilities, comprising of at least one washtub and space in the same room/compartment for a washing machine in accordance with Part 3.8.3 of the Building Code of Australia – ‘Facilities’.

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

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

6. **Provision of Services for Subdivision**

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

7. **Sydney Water Compliance Certification**

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

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

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

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

8. **Subdivision Certificate Application**

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

Reason: Statutory requirement of the Conveyancing Act 1919.

9. **Title Encumbrances**

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to

be created on the title naming Council as the sole authority empowered to release or modify.

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

Reason: To ensure proper management of land.

10. **Extension of the party wall**

It is recommended to investigate if the party wall is extended to the underside of the existing roof, and if it needs to be extended the works must be done by experienced tradespersons, without damaging the original fabric.

Reason: To preserve the significance of the heritage item.

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

Signed



David Auster, Principal Planner

The application is determined on 13/05/2021, under the delegated authority of:



Anna Williams, Manager Development Assessments