

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/1278
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<b>Responsible Officer:</b>	Kevin Short
<b>Land to be developed (Address):</b>	Lot 13 DP 12240, 14 A Ponderosa Parade WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of a new depot facility
<b>Zoning:</b>	IN2 Light Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Adelle Patricia Nonnenmacher Ronald John Flew
<b>Applicant:</b>	Ronald John Flew

<b>Application lodged:</b>	19/12/2017
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Industrial
<b>Notified:</b>	02/01/2018 to 29/01/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 416,381.00
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### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon 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

Pittwater Local Environmental Plan 2014 - Zone IN2 Light Industrial

Pittwater 21 Development Control Plan - 2014 - B5.5 Rainwater Tanks - Business, Light Industrial and Other Development

Pittwater 21 Development Control Plan - 2014 - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - 2014 - D16.7 Side and rear building lines

Pittwater 21 Development Control Plan - 2014 - D16.9 Solar access

Pittwater 21 Development Control Plan - 2014 - D16.12 Fences

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 13 DP 12240 , 14 A Ponderosa Parade WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site is rectangular in shape, has an area of 909.84m<sup>2</sup> and is located on the western side of the road. The previous dwelling and associated carport structure on-site has been recently demolished. The site is currently a construction zone and landscaping on site has been cleared.</p> <p>The subject site is zoned IN2 Light Industrial and identified as being subject to overland flow. The immediate area is currently undergoing transition from residential to industrial style development as evident by the loss of residential development and non-residential construction works within the locality. Adjoining and surrounding development is predominantly characterised by a mixture of industrial style development to the east and west and residential dwelling houses to the immediate north and south.</p>

Map:



## SITE HISTORY

Development Consent N0600/16 for an industrial building & demolition of existing structures was approved 26 May 2017.

Complying Development Certificate CDC69/16 for the Demolition of existing dwelling & carport was issued 29 July 2016.

## PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the construction of a depot facility for the storage of excavators and trucks with ancillary office space and a mezzanine level. Specifically, the development comprises the following works:

- Ground Floor level - workshop area, equipment storage, w/c and office space;
- Mezzanine level - storage area, lunch room, sick bay and w/c;
- New driveway and vehicle cross-over;
- Three (3) parking spaces, including 1 disabled space is provided within a parking forecourt;
- A turning bay within the parking forecourt for for small rigid vehicles;
- An uncovered gravel hard standing area within the front setback area for the storage of small rigid trucks, trailers and associated excavator equipment;
- Landscaping within the site frontage and part of the northern side boundary;
- 1.8m high metal space front boundary fencing;
- On-site stormwater detention system and discharge to street;
- Removal of on-site trees (and protection of off-site trees); and
- Office will be in operation from 5.00am to 5.00pm & trucks will be leaving the location at 6.00am and returning at approximately 3.30pm.

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

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

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

Section 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A 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 matter may be addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	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.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department.

Internal Referral Body	Comments												
	<p>There are no objections to approval of the development.</p> <p><i>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.</i></p>												
Environmental Health (Industrial)	<table border="1"> <tr> <td data-bbox="520 568 1155 613">Is the proposal for an industrial use?</td><td data-bbox="1155 568 1430 613">YES</td></tr> <tr> <td data-bbox="520 613 1155 692">Was sufficient documentation provided appropriate for referral?</td><td data-bbox="1155 613 1430 692">NO</td></tr> <tr> <td data-bbox="520 692 1155 770">Are the reports undertaken by a suitably qualified consultant?</td><td data-bbox="1155 692 1430 770">N/A</td></tr> <tr> <td data-bbox="520 770 1155 1061">           Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as:            - Processes with emphasis on potential pollution (air, noise, water and land)            - Hazardous Materials, liquids stored on site            - Waste storage, disposal.            - Mechanical ventilation         </td><td data-bbox="1155 770 1430 1061">YES</td></tr> <tr> <td data-bbox="520 1061 1155 1218">Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.</td><td data-bbox="1155 1061 1430 1218">YES</td></tr> <tr> <td data-bbox="520 1218 1155 1330">If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?</td><td data-bbox="1155 1218 1430 1330">NO</td></tr> </table> <p><b>General Comments</b></p> <p>Environmental Health is concerned with the noise that may be generated from the property.</p> <p>There is no detail regarding hours of operation, also the noise generated by the excavators and trucks entering, exiting and maneuvering around the property, will the noise generated from these activities create offensive noise for the sensitive receivers surrounding the property.</p> <p>29/1/18 - Additional information provided regarding hours of operation. The applicant stated the hours to be the following :</p> <ul style="list-style-type: none"> <li>• The office will be in operation from 5.00am to 5.00pm.</li> <li>• Trucks will be leaving the location at 6.00am and returning at approx. 3.30pm</li> </ul> <p>Environmental Health is satisfied with the office operation, as long as the operation does not create offensive noise to any sensitive</p>	Is the proposal for an industrial use?	YES	Was sufficient documentation provided appropriate for referral?	NO	Are the reports undertaken by a suitably qualified consultant?	N/A	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	NO
Is the proposal for an industrial use?	YES												
Was sufficient documentation provided appropriate for referral?	NO												
Are the reports undertaken by a suitably qualified consultant?	N/A												
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES												
Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES												
If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	NO												



Internal Referral Body	Comments
	<p>receivers, conditions have been recommended for this.</p> <p>With regards to the operation of the trucks starting at 6am Environmental Health is concerned with the likelihood of offensive noise being created to the surrounding residential properties. Environmental Health recommends truck operation not to start till after 7am, this includes entering and exiting the property or idling on property. Furthermore all business operation shall be undertaken within the property boundary's</p> <p><b>Planner Comments:</b> Consistent with Environmental Health referral comments, conditions are included in the recommendation for small rigid vehicles (SRV) only to be parked on the site at any one time and restricting non SRV from entering and leaving the site prior to 6.00am or after 5.00pm on any day.</p>
NECC (Development Engineering)	The submitted OSD design is considered satisfactory. The site is located within the Warriewood Valley Area and as such in accordance with the Warriewood Valley Roads Masterplan, the frontage of the site will need to be constructed with kerb, gutter, footpath and road pavement in accordance with the MAsterplan. Conditions for this have been included. It is considered that the water quality requirements of the development must be assessed by Council's Coast and Catchment Team to ensure compliance with the relevant DCP controls. The proposed driveway access is satisfactory. The proposal satisfies the relevant Development Engineering DCP controls. No objection to approval, subject to conditions as recommended.
NECC (Stormwater & Floodplain Engineering – Flood risk)	The proposed development has adequately addressed the requirements of the Pittwater Local Environmental Plan, 2014 and Pittwater 21 Development Control Plan and is considered to be appropriate for approval subject to conditions.
Traffic Engineer	<p>No concerns are rasied to the traffic generated from the proposal, being two (2) vtph, or on-site parking and access provided, being three (3) car park spaces including a disabled space and turning area for small rigid vehicles.</p> <p>Appropriate conditions are included to maintain safe sight lines where internal circulation roadways intersect with footpaths or other pedestrian access areas.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### **Pittwater Local Environmental Plan 2014**

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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Height of Buildings:	11.0m	6.8m	N/A	Yes
Floor Space Ratio	FSR: 1:1	FSR: 0.41:1 (GFA: 376m <sup>2</sup> Site area: 909.8m <sup>2</sup> )	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

#### Detailed Assessment

#### **Zone IN2 Light Industrial**

The proposed Depot use is permissible within the IN2 Light Industrial zone. However, an "Office" land use is a prohibited land use within the zone. However, the "Office" land use is considered ancillary and subservient to the dominant and primary land use, being a depot.

#### **Pittwater 21 Development Control Plan - 2014**

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	6.5m	10.4m: outdoor parking 43.4m: depot	N/A	Yes
Rear & side building line	3.0m	nil	100%	No

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B4.18 Heathland/Woodland Vegetation	Yes	Yes
B5.1 Water Management Plan	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B5.4 Stormwater Harvesting	Yes	Yes
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development	Yes	Yes
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C3.3 View Sharing	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes
C3.12 Signage	N/A	N/A
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	No	Yes
D16.9 Solar access	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	Yes	Yes

#### Detailed Assessment

#### **B5.5 Rainwater Tanks - Business, Light Industrial and Other Development**

Following the demolition of the dwelling, carport and driveway it is calculated that the proposal will provide an additional 624.8m<sup>2</sup> of hard surface area. Therefore, in accordance with the control a 14000L rainwater tank for non-potable uses is required.

As such, a condition has been included in the recommendation for a 14000L rainwater tank to be

installed on-site for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.

### **B6.3 Off-Street Vehicle Parking Requirements**

Council's Traffic Engineers raise no concern with the amount of on-site parking provided for the proposed depot land use, which comprises three (3) parking spaces including a shared accessible space as well as additional hardstand trailer, excavator and truck parking spaces.

Consistent with the requirements of the control, a condition is included in the recommendation for four (4) secure enclosed bicycle racks and one (1) motor cycle parking space to be provided on-site.

### **D16.7 Side and rear building lines**

The building provides a nil side and rear building line which does not comply with the minimum 3.0m rear and side building line requirement of the control. Notwithstanding, the noncompliance is supported for the following reasons:

- The width of the lot is relatively narrow, being 15.24m, and the development potential of the site would be unreasonably constrained by imposing a 3.0m side and rear building line;
- The building is satisfactorily articulated to minimise bulk and scale;
- Provision of a nil rear setback would not improve the landscape setting of the streetscape or improve amenity impacts between adjoining and surrounding properties;
- Nil setbacks are consistent with adjoining and surrounding industrial development; and
- Consistent with adjoining and surrounding sites, landscaping is provided within the front building line to assist to soften the visual impact of the built form.

Having regard to the above, the noncompliance is supported on merit.

### **D16.9 Solar access**

The proposed industrial building will not overshadow the dwelling houses located on adjoining properties but will overshadow the rear yard located at No. 14 B Ponderosa Parade between 9am and 3pm on June 21. The rear yard of this property is currently being used to store building equipment and is not considered a private open space area. Also, it is envisaged that the subject site and adjoining sites are to be developed for industrial related land uses as the site is located within the PLEP IN2 Light Industrial zone.;

Having regard to the above, the proposal complies with the requirements of the control.

### **D16.12 Fences**

The proposed 1.8m high metal space front boundary fence is supported on merit as it will not dominate the front building line or streetscape and is consistent with the design of front fences located on adjoining and surrounding light industrial development.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Pittwater Section 94 Development Contributions Plan**

## **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;
- Pittwater Local Environment Plan;
- Pittwater 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 DA2017/1278 for Construction of a new depot facility on land at Lot 13 DP 12240, 14 A Ponderosa Parade, WARRIEWOOD, 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>
DA-01, DA-02, DA-03 & DA-04	Issue C Drawings dated 07/11/2017	Gartner Trovato Architects
Colours and Finishes	undated	Gartner Trovato 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>
Flood Inundation and Risk Assessment	Dec 2017	Barrenjoey Consulting Engineers
Traffic and Parking report	5 November 2017	Terraffic
BCA report	23 November 2017	BCA Logic
Arborist report	November 2017	Selena Hannan.

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

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

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

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a Depot.

A Depot “means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.”

(development is defined by the Pittwater Local Environment Plan 2011 (as amended) Dictionary)

Note: Only small rigid vehicles are to be stored on the site at any one time.

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

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

3. **No Approval for any Signage**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

#### 4. **Prescribed Conditions**

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.



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

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

Reason: Legislative Requirement (DACPLB09)

## 5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and

machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in 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. (DACPLB10)

## **FEES / CHARGES / CONTRIBUTIONS**

### **6. 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 to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

### **7. Works Bonds**

#### **(a) Construction, Excavation and Associated Works Bond (Road)**

A Bond of \$20,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

#### **(b) Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$5,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

#### **(c) Construction, Excavation and Associated Works Bond (Crossing/Kerb)**

A Bond of \$20,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

#### **(d) Construction, Excavation and Associated Works Bond (Pollution)**

A Bond of \$5,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

#### **(e) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)**

A bond of \$5,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

#### **(f) Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a Maintenance Bond of \$5,000 for the construction of the civil works that revert to Council's care and control. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment)

is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

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

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

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

**8. Section 94 Contributions**

A Section 94 contribution has been calculated in accordance with the Warriewood Valley Section 94 Contributions Plan and a monetary contribution of \$184,368.77 (subject to (a) below and based on site area of 910m<sup>2</sup>) is payable to Northern Beaches Council.

a) The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2). The monetary contribution is to be paid prior to the issue of the first Construction Certificate.

b) The applicant may negotiate with Council for the direct provision of facilities and services in lieu of the monetary contribution above (or any portion of that contribution) through a Material Public Benefit offer to Council. Any Material Public Benefit agreement between the Applicant and Council must be finalised, formally signed and in place prior to payment being made. The Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2) may be inspected at Northern Beaches Council's Mona Vale office, 1 Park Street Mona Vale or Council's website <http://www.northernbeaches.nsw.gov.au>.

Reason: Contribution to Warriewood Valley Section 94 Contributions Plan.

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

**9. On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Pittwater 21 DCP 2014 Clause B5.7 and the concept drawing by Barrenjoey Consulting Engineers Pty Ltd, drawing number 170903 SW1 Issue DA dated 29-11-2017.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

**10. Submission Roads Act Application for Civil Works in the Public Road**

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

The application is to include four (4) copies of Civil Engineering plans for the design of the kerb, gutter and pavement adjustment, footpath and turf along the entire frontage of the site, the

driveway crossing and stormwater connection which are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and/or the Warriewood Valley Roads Masterplan May 2016. The plans shall be prepared by a qualified civil engineer.

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

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

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

11. **Soil and Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

12. **Flood**

In order to protect property and occupants from flood risk the following is required:

**Building Components and Structural Soundness – C1**

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

**Building Components and Structural Soundness – C2**

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level / Probable Maximum Flood (remove the one not required), taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

**Building Components and Structural Soundness – C3**

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

**Storage of Goods – D1**

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

**Floor Levels – F1**

New floor levels within the development shall be set at or above the Flood Planning Level of 18.9m AHD.

**Fencing – H1**

Fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open for passage of flood waters - All new fencing on the property must be design with a minimum of 50% open area between the 1% flood level and natural ground level, to allow flood waters to pass through.

**Recommendations**

The development must comply with all recommendations outlined in:

- The Flood Management Report prepared by BarrenJoey Consulting Engineers Pty Ltd dated December 2017.

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

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

**13. Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

**14. External Colours and Materials (Industrial, Commercial, Mixed & Apartment Buildings)**

(a) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

(b) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

**15. Surrender of Consent**

The applicant shall surrender to Council Development Consent No: N0600/16 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

**16. Sewer / Water Quickcheck**



The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

**17. Construction traffic management plan**

Submission to Council's satisfaction of a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified traffic consultant, prior to the issue of the Construction Certificate.

The plan is to address and detail arrangements regarding:

- Detail concerning delivery and removal of all materials
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the Northern Beaches Council Local Government Area
- Location and extent of on/off site parking for construction workers during the construction period.
- The details of any proposed on street parking changes/ future work zone applications (subject to additional approvals).
- Proposed hours of operation

The CTMP must be provided to the PCA prior to the issue of any Construction Certificate.

Reason: Traffic and pedestrian safety.

**18. Construction management program**

A Construction Management Program shall be prepared which includes the following:

- a) proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council owned or managed land and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed without Owners Consent being granted;
- b) proposed method of loading and unloading, demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- c) location and operation of any on site crane; and details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Parks and Recreation, and Foreshores business unit shall be notified of the start date of works as soon as possible and within a reasonable time prior to the start of the works.

The CTMP must be provided to the PCA prior to the issue of any Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

19. **Blank condition for prior construction certificate**  
Blank condition for prior construction certificate

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

20. **Progress Certification (Road & Subdivision)**  
Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by Council for the following stages of works within the public road.

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Sub-grade trimmed and compacted \*\*
- (d) Base-course laid and compacted \*\*
- (e) Kerb and gutter construction
- (f) Pavement
- (g) Footpath, landscaping and vegetation
- (h) Clean-up of site, and of adjoining Council roadway and drainage system.

(\*\*To be tested by a recognised N.A.T.A. approved laboratory for density testing only).

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

Reason: To ensure compliance of civil works with Council's specification for engineering works (DACENE02)

21. **Vehicle Crossing**  
The provision of one vehicle crossing 5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/1 N and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

22. **Civil Works Supervision**  
All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

23. **Footpath Construction**  
The applicant shall construct a footpath and turf along the entire frontage of the site. The works

shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's Warrinewood Valley Roads Masterplan May 2016.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

**24. Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works in the public road reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement
- (g) Prior to pouring footpath
- (h) Prior to pouring driveway crossing

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

**25. Traffic Control During Road Works**

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

Reason: Public Safety. (DACENE11)

**26. Erosion and Sedimentation Responsibilities**

Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.

Reason: To ensure sediment and erosion controls comply with standards

**27. Site Entry Access way**

An all-weather access way at the front of the property consisting of 50-75mm aggregate or

similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.

Reason: To reduce sediment being taken offsite

28. **Cleaning of Vehicles Leaving Site**

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

29. **Kerb and Gutter Construction**

Kerb and gutter is to be constructed along the entire frontage of the site in accordance with Northern Beaches Council Drawing No. A4 2276/A.

Reason: To facilitate the preservation of on street parking spaces.

30. **Construction traffic management plan (CTMP)**

A copy of the CTMP submitted prior to issue of the Construction Certificate is to be retained on site for the duration of the demolition/construction works.

Reason: Traffic and pedestrian safety.

31. **Pedestrian sight distance at property boundary**

The proposed letterbox is to be relocated further south of Ponderosa Parade or angled for sight distance and pedestrian safety.

No plantings or structures are permitted within the pedestrian sight triangle, to ensure adequate sight distance between vehicles exiting the property and pedestrians proceeding along the footpath

Reason: Traffic and pedestrian safety.

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

32. **Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

33. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)

**34. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

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

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

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

**35. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

**36. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

**37. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard

forms 13PC and/or 13RPA), shall be submitted to Northern Beaches Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

38. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

39. **Certification of Water Management**

Certification is to be provided to the accredited certifier by a qualified experienced practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.

Reason: To ensure Stormwater Management has been built in accordance with the plans and specifications required under this consent

40. **Certification of Civil Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Road Act plans. Works as Executed data certified by a registered surveyor shall be submitted to the Council for approval prior to the issue of the Occupation Certificate.

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

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

41. **House / Building Number**

Building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

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

42. **Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**



A Maintenance Period of six (6) months shall apply to the civil works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective.  
(DACENG01)

43. **Business operation**

Any business operation shall be undertaken wholly within the premises. (No idling of vehicles on the roadway in front of the surrounding residential properties)

Reason: To maintain the surrounding amenity (DACHPGOG5)

44. **Operation of truck**

There shall be no idling, entering or leaving of trucks from the property prior to 7.00am

Reason: To ensure offensive noise is not generated (DACHPGOG5)

45. **On-going use - Offensive Noise**

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.  
(DACHPGOG6)

46. **Provision of bicycle storage facilities and motor cycle parking spaces**

Four (4) secure enclosed bicycle storage facilities are to provided within the building or on-site.

One (1) motor cycle parking space is to be provided on-site and are to be accessible and maintained at all times.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

47. **Visitors Sign**

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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

**Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)

48. **Hours of Operation**

The hours of operation for the Office premises are to be restricted to:

- Monday to Saturday – 5.00am to 5.00pm.
- Sunday and Public Holidays – closed

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Vehicles that are not small rigid vehicles cannot leave or enter the site prior to 7.00am or after 5.00pm on any day.

Reason: Information to ensure that amenity of the surrounding locality is maintained.  
(DACPLG08)

49. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

50. **Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)

51. **Rainwater tank**

A 14000 litre rainwater tank for non-potable purposes is to be installed and used as part of an integrated onsite stormwater management system.

The nonpotable purposes are prescribed in the NSW Code of Practice for Plumbing and Drainage and include toilet flushing and garden irrigation.

The overflow system of the rain water tank is to be directed to the onsite detention system.

Reason: Development is compatible with Water Sensitive Urban Design principles.

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

**Signed**



**Kevin Short, Planner**

The application is determined under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**



























## **ATTACHMENT A**









No notification plan recorded.

## **ATTACHMENT B**

No notification map.

## ATTACHMENT C

Reference Number	Document	Date
 2017/534377	REPORT - Traffic and Parking Report	07/11/2017
 2017/534372	REPORT - Arborist Report	15/11/2017
 2017/534373	REPORT - BCA Compliance	23/11/2017
 2017/534376	REPORT - Statement of Environmental Effects	28/11/2017
 2017/534383	PLAN - NOTIFICATION - 14A Ponderosa Parade WARRIEWOOD	18/12/2017
 2017/534374	REPORT - COST SUMMARY REPORT	18/12/2017
 2017/534375	REPORT - Flood Inundation & Risk Assessment Report	19/12/2017
 DA2017/1278	14A Ponderosa Parade WARRIEWOOD NSW 2102 - Development Application - New	19/12/2017
 2017/529526	DA Acknowledgement Letter - Ronald John Flew	19/12/2017
 2017/534379	Development Application	20/12/2017
 2017/534380	Fee Form	20/12/2017
 2017/534378	Applicants Details	20/12/2017
 2017/534371	PLANS - INTERNAL - 14A Ponderosa Parade WARRIEWOOD	20/12/2017
 2017/534382	PLAN - MASTER SET - 14A Ponderosa Parade WARRIEWOOD	21/12/2017
 2017/534384	PLANS - EXTERNAL - 14A Ponderosa Parade WARRIEWOOD	21/12/2017
 2017/542201	Environmental Investigations (Industrial) - Assessment Referral - DA2017/1278 - 14 A Ponderosa Parade WARRIEWOOD NSW 2102	28/12/2017
 2018/002848	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/1278 - 14 A Ponderosa Parade WARRIEWOOD NSW 2102 -PR	28/12/2017
 2018/000809	DA Acknowledgement Letter (not integrated) - Ronald John Flew	02/01/2018
 2018/000850	Notification Letter - DA	02/01/2018
 2018/058023	Building Assessment Referral Response	15/01/2018
 2018/061634	Environmental Investigations Referral Response - industrial use	16/01/2018
 2018/063093	Environmental Investigations Referral Response - industrial use	17/01/2018
 2018/063101	Environmental Investigations Referral Response - industrial use	17/01/2018
 2018/063860	Natural Environment Referral Response - Flood	17/01/2018
 2018/075745	Email to applicant: request for hrs of operation	24/01/2018
 2018/077234	Email response: proposed hours of operation	24/01/2018

	2018/089603	Environmental Health Referral Response - industrial use	01/02/2018
	2018/112750	s94 referral comments	13/02/2018
	2018/217981	Development Engineering Referral Response	05/04/2018
	2018/242638	delete	17/04/2018
	2018/242684	delete	17/04/2018
	2018/242690	Traffic Engineer Referral Response	17/04/2018
	2018/242787	Stamped Plans	17/04/2018
	2018/242789	Email sent to applicant with attached letter requesting withdrawal of the application	17/04/2018