

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2012/1276
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Responsible Officer	David Auster
Land to be developed (Address):	Lot 245 DP 1178957 , 1056 - 1058 Pittwater Road COLLARROY NSW 2097
Proposed Development:	Alterations and additions to a registered club (Collaroy Services Beach Club)
Zoning:	LEP - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Collaroy Services Beach Club Ltd C/- Robert McConnell
Applicant:	Cityscape Planning

Application lodged:	30/10/2012
Application Type	Local
State Reporting Category	Commercial/Retail/Office
Notified:	07/11/2012 to 22/11/2012
Advertised	Not Advertised in accordance with A.7 of WDCP
Submissions	0

Estimated Cost of Works:	\$ 353,430
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D6 Access to Sunlight
 Warringah Development Control Plan - D7 Views
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D18 Accessibility
 Warringah Development Control Plan - D23 Signs
 Warringah Development Control Plan - E4 Wildlife Corridors
 Warringah Development Control Plan - E7 Development on land adjoining public open space
 Warringah Development Control Plan - E9 Coastline Hazard
 Warringah Development Control Plan - E10 Landslip Risk

RECOMMENDATION

Approval

SITE DESCRIPTION

Property Description:	Lot 245 DP 1178957 , 1056 - 1058 Pittwater Road COLLARROY NSW 2097
Detailed Site Description:	The subject site is an irregular shaped parcel located on the eastern side of Pittwater Rd directly opposite its intersection with Collaroy St. The site currently accommodates a Registered Club and adjoins a surface car park at the south of the site and Collaroy Beach to the east. It has its primary and broadest frontage to Collaroy Beach and secondary narrow frontage to Pittwater Rd.

Map:



SITE HISTORY

The site has a long history of commercial use and is a registered heritage item.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks approval for alterations to the upper floor function area of the existing club development. These alterations include:

- New ramp and steps at entry from existing bar area
- New floor and roof infill at entry from existing bar area
- New function room bar area
- New outdoor terrace area
- New glass door and air curtain
- Remove glazing under arches to Pittwater road facade

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 A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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. <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. <u>Clauses 54 and 109</u> of the EP&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. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000

Section 79C 'Matters for Consideration'	Comments
	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. <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. <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. <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.
Section 79C (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	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (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 Warringah 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 will require a Construction Certificate. I have included two conditions. The first requires that details demonstrating compliance with the disabled (access to premises - buildings) standards 2010 are submitted to the certifying authority prior to the issue of a Construction Certificate. The second requires the submission of a final fire safety certificate to be submitted to Council prior to the issue of an Occupation certificate. This final fire safety certificate is to include all fire safety measures as required by the recent Interim Occupation Certificate issued by City Plan Services dated 19/09/2012.
Environmental Health and Protection (Food Premises)	This proposal has been reviewed by Environmental Health & Protection, there are no objection subject to conditions.
Heritage Advisor	HERITAGE COMMENTS
	Discussion of reason for referral
	This application has been referred as it affects part of a listed heritage building being the former Arlington Amusement Hall at 1056 - 1066 Pittwater Road, Collaroy. This building is listed as Item I20 under Schedule 5 of Warringah Local Environmental Plan 2011. The subject land is 1056 - 1058 Pittwater Road, being that part of the building which is owned by the Collaroy Beaches Services Club. The subject site is zoned B2 Local Centre under the provisions of WLEP 2011. This application is also within the vicinity of Item I17, being the street trees and plaque on Pittwater Road, to the south of the site and also Item I23, being the former Westpac Bank building at 1121 Pittwater Road.
	Details of heritage items affected
	Details of the listed heritage item as well as details of those heritage items in the vicinity, as found in the Warringah Heritage Inventory are:- Item I20 - Former Arlington Amusement Hall, 1056 - 1066 Pittwater Road, Collaroy Description: Terrace of 5 shops of face brickwork with rendered details. Entrance to former Amusement Hall asymmetrically located with a semi-circular pediment & the name. Some stone features in detailing. Recessed porches on 1st floor, majority infilled & altered. No evidence of original shops on ground floor.

Internal Referral Body	Comments		
	Statement of Significance: A rare surviving example of an early 20th century commercial terrace in the area. Displays good integrity & is typically representative of federation commercial terraces. Historically provides evidence of important role of recreational/commercial devt.		
	Item I17 - Street Trees and Plaque, Pittwater Road (near Birdwood Ave), Collaroy		
	Description: A prominent row of mature Norfolk Island Pines (Araucaria heterophylla) along the road, with a number of others in the adjoining park area. Sandstone plaque with polished granite tablet with dedication.		
	Statement of Significance: A mature example of commemorative planting which occurred after WWI. Social & historic significance to the community, as plantings were to commemorate those who died in the war, as indicated by the plaque. Aesthetically a dominate feature of the streetscape.		
	Item I23 - Former Westpac Bank, 1121 Pittwater Road, Collaroy		
	Description: Two storey face brick bank building designed to address corner site. Stone dressings as horizontal string courses and as carved motifs between ground & first floor windows. Tiled hipped roof. Art deco detailing in carved stone dressings. Multi-paned windows.		
	Statement of Significance: A locally rare example of a suburban bank in the inter-war geogian revival style, representative of bank architecture at the time. Historically provides evidence of the devt. of commercial infrastructure to serve residential growth. Local landmark.		
	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 Significance	NO		
Other	NO		

Internal Referral Body	Comments						
	<table><tr><td></td><td></td><td></td></tr><tr><td colspan="3">Consideration of Application</td></tr></table> This application is for alterations to the first floor of the existing building, in order to use it as a function room. There is a separate application (DA2012/1277) for changes to the ground floor of this part of the building, to accommodate a cafe. The alterations proposed by this application are mainly internal, however, it is proposed to remove most of the existing glazing under the first floor arches. This building originally did not have glazing in these arches, but rather had open recessed balconies, with a triangular terrace area ("saw-tooth balcony"). This application proposes to create an outdoor terrace area behind the arches, similar to the concept of the original saw-tooth balcony spaces. In this case, the balcony will not cover the full double arch span, because part of the southern most arch is proposed to remain partially glazed. This is necessary to accommodate the existing steps up to the first floor from Pittwater Road. From a heritage point of view, reinstatement of a open balcony on the first floor of the front facade, is considered an appropriate change. It is noted that this part of the building has been repainted to a more appropriate colour scheme than the "Hob Nob" blue building - which while not the original face brickwork, blends in with the colour of the original bricks. Given that there is very little original building fabric behind the front facade of this building, there are no issues with the proposed interior modifications. There are very limited changes to the front facade - only the removal of the glazing in the first floor arches. This change is considered acceptable on heritage terms. If the Collaroy Beaches Services Club wish to further enhance the front facade of this heritage building, they might like to consider reinstating the timber balustrades, as has been done for most of the reminder of the building. As the proposal is largely internal alterations, which do not affect the exterior appearance or scale and bulk of the building, it is considered that there will be no adverse impacts upon the heritage items in the vicinity, namely the former Westpac Bank building on the western side of Pittwater Road and the Norfolk Island Pine trees to the south of the site, along Pittwater Road. Both these heritage items are also located some 30 - 35 metres from the subject site. Therefore, after reviewing the Statement of Environmental Effects by cityscapeplanning+projects, dated October 2012 and taking relevant issues into consideration, no objections are raised to this application on heritage grounds and no conditions are required.				Consideration of Application		
Consideration of Application							

Internal Referral Body	Comments
	Consider against the provisions of CL5.10 of WLEP. Is a Conservation Management Plan (CMP) Required? NO Has a CMP been provided? N/A Is a Heritage Impact Statement required? YES Has a Heritage Impact Statement been provided? YES Further Comments COMPLETED BY: Janine Formica DATE: 7 January 2013
Natural Environment (Biodiversity)	No comments or conditions for the proposed development.
Natural Environment (Coastal)	The proposal is supported with the identified condition relating to Risk to Life and Property due to Coastal Erosion.
Parks, reserves, beaches, foreshore	Parks Reserves and Foreshores raises no objection to the proposal.

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 the current commercial purposes for a significant period of time with no prior land uses which would be likely to cause contamination. 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 proposed land use.

SEPP 71 - Coastal Protection

The proposal is generally for internal alterations to the existing building, with some minor changes to the western façade. The proposal will not have any significant impact on the external appearance, size or shape of the building and in this regard will meet the requirements of SEPP 71.

SEPP (Infrastructure) 2007

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.

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	11m	No change to existing	N/A	Yes
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	N/A	N/A	N/A	N/A

B2 Number of storeys	3	No change	N/A	Yes
B3 Side Boundary Envelope	N/A	N/A	N/A	N/A
B4 Site Coverage	N/A	N/A	N/A	N/A
B5 Side Boundary Setbacks	Merit assessment	No change	N/A	Yes
B7 Front Boundary Setbacks	Ground and first floor maintain established street front, Second floor 5m	No change. Minor changes to facade do not increase or decrease the setbacks.	N/A	Yes
B9 Rear Boundary Setbacks	Merit assessment	No change	N/A	Yes
B11 Foreshore Building Setback	N/A	N/A	N/A	N/A
B12 National Parks Setback	N/A	N/A	N/A	N/A
B13 Coastal Cliffs Setback	N/A	N/A	N/A	N/A
B14 Main Roads Setback	N/A	N/A	N/A	N/A
B15 Minimum Floor to Ceiling Height	N/A	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	N/A	N/A	N/A	N/A

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B2 Number of Storeys	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - B2	Yes	Yes
Other land in B2 zone	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
Part C Siting Factors	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	N/A	N/A
Part E The Natural Environment	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D6 Access to Sunlight

No significant change to shadowing caused by the development.

D7 Views

No unreasonable view loss will be caused by the minor changes to the front facade.

D8 Privacy

No unreasonable impacts on privacy will be caused by the proposal.

D18 Accessibility

An Access report was provided with the application. Conditions have been included in the consent to ensure the proposal complies with AS 1428.1 - 2009 Design for access and mobility - General requirements for access - New building work and AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.

D23 Signs

No new signage is proposed as part of the application.

E4 Wildlife Corridors

The site is within a wildlife corridor, however the works are internal, with minor changes to the façade. Council's Natural Environment Unit has raised no concerns in regard to wildlife.

E7 Development on land adjoining public open space

The relationship of the building to the public open space to the east, north and south will not be altered. Neither will the minor changes to the front façade will create a significant change to the relationship with Pittwater Rd.

E9 Coastline Hazard

The proposed works are internal and minor changes to the facade. No excavation or change to the overall size or location of the building will take place. Council's Natural Environment Unit has provided a condition of consent for the ongoing management of the coastline hazard.

E10 Landslip Risk

The site is in Area A on the Landslip Risk Map. As such no geotechnical report is required.

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

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 353,430		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,358
Section 94A Planning and Administration	0.05%	\$ 177
Total	1%	\$ 3,534

The proposal includes an outdoor deck with the potential to create noise in the area. A condition will be applied to limit the operating hours of the outdoor deck to 10pm, which is consistent with the outdoor deck operating hours for the Surf Rock Hotel (adjoining to the north).

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 specified in S.5(a)(i) and (ii) 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 DA2012/1276 for Alterations and additions to a registered club (Collaroy Services Beach Club) on land at Lot 245 DP 1178957, 1056 - 1058 Pittwater Road, COLLAROY, 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
20 Revision 01	20.09.12	Network Refurbishments

		and Construction
21 Revision 01	20.09.12	Network Refurbishments and Construction
22 Revision 01	20.09.12	Network Refurbishments and Construction

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **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)

3. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) 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) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 353,430		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 3,358
Section 94A Planning and Administration	0.05%	\$ 177
Total	1%	\$ 3,534

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

6. **Bonds**

(a) Security Bond

A bond (determined from cost of works) of \$1000 and an inspection fee in accordance with Councils 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.

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

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

7. **Compliance with The Disability (Access to Premises—Buildings) Standards 2010**

Details demonstrating compliance with The Disability (Access to Premises - Buildings) Standards 2010 are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: Legislative Requirement (DACBCCPCC1)

8. **Working on Reserves Permit**

If the reserve or carpark areas in the vicinity of the works are to be utilised during construction an application for a permit for Working on Reserves shall be submitted and approved prior to commencement of works.

Reason: To ensure protection of reserves. (DACHPCPCC1)

9. **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)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (g) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

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

10. Food Premises

The premises shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises).

Reason: To ensure compliance with the applicable food standards. (DACHPFPOC1)

11. Mechanical Ventilation

Prior to issue of Occupation Certificate provide certification from a suitably qualified person certifying that the mechanical ventilation system complies with Australian Standard 1668.2.

Reason: Demonstrate compliance with applicable standards (DACHPFPOC2)

12. Fire Safety Matters

At the completion of all works, a Final Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This Final certificate must list all *existing* and *new* fire safety measures and be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

All matters as detailed in Schedule 2 of the Interim Occupation Certificate dated 19/09/2012 issued by City Plan Services are to be addressed and completed prior to the issue of the Final Fire Safety Certificate. This includes all Fire Safety Measures as detailed in Schedule 3.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

13. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. All internal walls of the garbage storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Reason: To prevent pollution of the environment and to protect the amenity of the area

(DACHPGOG1)

14. Risk to Life and Property due to Coastal Erosion

If the erosion escarpment recedes to the lot boundary it is likely that conditions do not provide for safe occupation of the building due to the possibility of foundation failure. At this time coastal risks may compromise the safety of life and property and the use and occupation of the premises is to cease immediately unless there has been prior demonstration to the satisfaction of Council that adequate measures are in place to mitigate the risks to an acceptable level. Such demonstration shall include a report prepared by qualified practicing, Structural, Geotechnical and Coastal Engineers and construction of any physical measures recommended in that report.

Reason: To avoid damage through wave impact (DACNEC08)

(DACNEGOG1)

15. Hours of Operation

The hours of operation of the west facing outdoor first floor deck ('New Outdoor Area' on the approved plans) are to be restricted to a 10pm curfew.

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the outdoor deck shall be required to leave immediately.

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

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

David Auster, Development Assessment Officer

The application is determined under the delegated authority of:

Phil Lane, Acting Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
 2012/379594	plan notification	01/11/2012

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2012/379604	Report Access from CD	25/09/2012
 2012/379607	plan first floor from CD	03/10/2012
 2012/379611	plan ground floor from CD	03/10/2012
 2012/379616	plan elevations and section from CD	03/10/2012
 2012/379601	report statement of environmental effects from CD	10/10/2012
 2012/375353	invoice for ram applications - Cityscape Planning	30/10/2012
 2012/375361	DA Acknowledgement Letter - Cityscape Planning	30/10/2012
 2012/379621	plans - master set	01/11/2012
 2012/379585	development application form	01/11/2012
 2012/379590	applicant details	01/11/2012
 2012/379593	quotation	01/11/2012
 2012/379594	plan notification	01/11/2012
 2012/381641	File Cover	05/11/2012
 2012/381667	Referral to AUSGRID - SEPP - Infrastructure 2007	05/11/2012
 2012/396363	Natural Environment Referral Response - Coastal	13/11/2012
 2012/397442	Building Assessment Referral Response	14/11/2012
 2012/412061	Environmental Health and Protection Referral Response - commercial use	29/11/2012
 2012/420699	Parks, Reserves and Foreshores Referral Response	10/12/2012
 2013/004579	Heritage Referral Response - DA2012/1276 - Function Centre -1056-1058 Pittwater Road, Collaroy	07/01/2013