

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0322
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot 12 DP 7310, 59 Johnson Street FRESHWATER NSW 2096
Proposed Development:	Alterations and Additions to an existing garage/workshop and conversion to a secondary dwelling
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Richard Grace
Applicant:	J J Drafting

Application lodged:	10/04/2017
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	19/04/2017 to 05/05/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	2
Recommendation:	Approval

Estimated Cost of Works:	\$ 87,500.00
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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 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

NORTHERN BEACHES COUNCIL

Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - Front Boundary Exceptions - R2
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D2 Private Open Space

SITE DESCRIPTION

Property Description:	Lot 12 DP 7310 , 59 Johnson Street FRESHWATER NSW 2096
Detailed Site Description:	The subject site consists of one (1) allotment with two frontages, the primary frontage being on Johnson Street and the secondary frontage being on Wyndora Avenue. The site is regular in shape with a width of 10.06m and a length of 40.6m. The site has a surveyed area of 408.4m². The site is located within the R2 Low Density Residential zone and accommodates a two storey dwelling house. Surrounding development consists of residential dwellings. The site has a very moderate slope falling down towards the Wyndora Avenue frontage. No significant vegetation exists on the site.

Map:



SITE HISTORY

Site history relevant to the application includes the following:

C215/57: Application for a "BD" (brick dwelling) dated 1957.

DA2007/1148: Consent for "Alterations and additions to the rear of an existing dwelling" granted on 7 February 2008. The amount of car parking in this consent was one (1) space. The provision of landscaped open space was approximately 22%. Private open space adjoining the secondary frontage is estimated at 71m². The stamped plans on the consent do not demonstrate any encroachment of existing or proposed structures on any adjoining properties.

DA2016/1070: This application related to "Alterations and Additions to an existing garage/workshop and conversion to a secondary dwelling" and was withdrawn by the applicant on 13 January 2017. Council did not support the application for the following reasons:

- Lack of owners consent (the plans sought to rebuild an existing wall which encroached on the adjoining property at No.57 Johnson Street;
- Insufficient information;
- Non-compliance with the Side Setback control of WDCP 2011; and
- Non-compliance with the Front Setback control of WDCP 2011.

PROPOSED DEVELOPMENT IN DETAIL

The application relates to the conversion of an existing garage/laundry for the purposes of a secondary dwelling, approximately 46m² in area.

The one existing car space, will be relocated in an at-grade external parking space located 3.5m from the Wyndora Avenue frontage. Existing paved areas will be re-instated as landscaped open space. An existing shed close to the Wyndora Avenue frontage will be demolished.

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 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)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) –	<u>Division 8A</u> of the Regulations requires the consent authority to consider

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Section 79C 'Matters for Consideration'	Comments
Provisions of the Environmental Planning and Assessment Regulation 2000 (the Regulations)	"Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 49</u> of the Regulations require that any application must have the consent of the owners. The plans submitted with the application clearly demonstrate that all new works that are part of the application will not be located on any adjoining property and that encroaching structures are to remain. However, a condition of consent is recommended that these encroaching structures do not form part of this consent, to ensure that no approval is implied for any potentially illegitimate structure. Therefore, the development does not relate to any other land than No.59 Johnson Street and adequate owners consent has been provided. <u>Clause 50(1A)</u> of the Regulations require 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 Regulations permits Council to request additional information and therefore consider the number of days taken in this assessment in light of this clause within the Regulations. However, no additional information was requested. <u>Clause 92</u> of the Regulations 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 Regulations 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 Regulations 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 Regulations 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	(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

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Section 79C 'Matters for Consideration'	Comments
locality	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 process council is in receipt of 2 submission/s from:

Name:	Address:
Mrs Susan Martin	60 Johnson Street FRESHWATER NSW 2096
Peter Anthony Chapman	57 Johnson Street FRESHWATER NSW 2096

The following issues were raised in the submissions and each have been summarized and addressed as below:

- The development will result in a loss of available on-street parking through the creation of the additional dwelling.*

Comment: The relevant requirements for parking are discussed elsewhere in this report. In summary, the existing approved provision of one (1) car space is adequate given that: a) there is no change to the existing approved dwelling house and b) no parking is required for secondary dwellings under the relevant development controls.

- The property is currently being used as dual occupancy, which is a prohibited land use.*

Comment: Council records demonstrate that the most recent development consent on the land was only for a *dwelling house*. The subject application does not seek consent for a *dual occupancy* but rather only relates to a *secondary dwelling*. Therefore the subject application is permissible with consent. However, the matter of whether the land is currently being used for an unauthorized land use has been referred to Council's Building Investigations team for further investigation.

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- *The existing dual occupancy and secondary dwelling will result in a multi-dwelling housing development which is a prohibited land use.*

Comment: The proposed development is not *multi-dwelling housing*, as this would require the provision of at least three (3) dwellings all with primary access to the ground level. Council records clearly demonstrate that the existing approved development on the site is a *dwelling house* and that the subject application is for a *secondary dwelling* associated with that existing dwelling house. Therefore the application consists of one (1) principal dwelling and one (1) secondary dwelling and is not in any way consistent with the definition of multi-dwelling housing, contained within WLEP 2011. The development is therefore permissible with consent.

- *The development should comply with all required construction standards for building and fire safety.*

Comment: A standard condition of development consent will be applied that will require that the development be consistent with all relevant standards of the Building Code of Australia, including fire safety.

- *The development does not comply with Part B4 Site Coverage of Warringah Development Control Plan 2011 (WDCP 2011)*

Comment: The requirements of Part B4 of WDCP 2011 do not apply to the subject land.

- *The development should comply with the minimum 0.9m side setback required under WDCP 2011.*

Comment: The non-compliance with the side setback requirements of WDCP 2011 are considered elsewhere in this report. In summary, the variation is under the circumstances supported as the proposal has demonstrated compliance with the objectives of this control.

- *The development does not comply with the Part D1 Landscaped Open Space requirements of WDCP 2011.*

Comment: The non-compliance with the landscaped open space requirements of WDCP 2011 are considered elsewhere in this report. In summary, the variation is under the circumstances supported as the proposal will result in no effective loss in the existing approved provision of landscaped open space and has demonstrated reasonable compliance with the objectives of this control.

- *The development does not comply with the requirements of Part D2 Private Open Space of WDCP 2011.*

Comment: An assessment of the non-compliance with the requirements of Part D2 is provided elsewhere in this report. In summary, the private open space for the use of the existing dwelling will be only 9m² short of the minimum requirement, however still meets the objectives of this control.

- *There is insufficient information to demonstrate compliance with Part D14 Site Facilities of WDCP 2011.*

Comment: A condition of consent is recommended to ensure that adequate waste and recycling facilities are provided.

NORTHERN BEACHES COUNCIL

- *The development does not comply with Part C3 Parking Facilities of WDCP 2011.*

Comment: An assessment of the non-compliance with the requirements of Part C3 is provided elsewhere in this report. In summary, the existing provision of car parking is adequate to service the existing principal dwelling and the proposed secondary dwelling.

- *There is insufficient information to demonstrate compliance with Part C9 Waste Management of WDCP 2011.*

Comment: A condition of consent is recommended to ensure that adequate waste and recycling facilities are provided.

- *Owners consent is required for the part of the proposal which encroaches upon the adjoining property at No.59 Johnson Street.*

Comment: The plans submitted with the application clearly demonstrate that all new works that are part of the application will not be located on any adjoining property and that encroaching structures are to remain as they are. In this respect, the application does not apply to the adjoining land. However, a condition of consent is recommended that these encroaching structures do not form part of this consent, to ensure that no approval is implied for any potentially illegitimate structure. Therefore, the development does not relate to any other land than No.59 Johnson Street and adequate owners consent has been provided.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	Council's Building Assessment - Fire and Disability Officer has provided the following comments: <i>The proposal in its current form cannot be supported as there is a lack of information and the proposal may not comply with many requirements of the BCA relation to fire separation; compliant egress; laundry tub; weatherproofing of external walls and Prevention of dampness.</i> <i>Furthermore approval cannot be given to a structure which encroaches over the boundary. The encroachment of the external wall maintains an existing non-compliance and should be re-constructed so that it stands wholly within 59 Johnson Street or alternatively at a distance of 900mm from the common boundary.</i> <i>It is also noted that there already exists (2) separate occupancies on this property and this development would amount to multi dwelling housing which may be prohibited in this R2 zone under Council's Local Environmental Plan.</i>

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Internal Referral Body	Comments
	<u>Planners comment:</u> The matters raised in relation to fire separation; compliant egress; laundry tub; weatherproofing of external walls and prevention of dampness are all matters that can reasonably be complied with as one the conditions of consent prescribed by the EP&A Act 1979, specifically the one which requires all developments to comply with the provisions of the Building Code of Australia. The proposed development is not <i>multi-dwelling housing</i>, as this would require the provision of at least three (3) dwellings all with primary access to the ground level. Council records clearly demonstrate that the existing approved development on the site is a <i>dwelling house</i> and that the subject application is for a <i>secondary dwelling</i> associated with that existing dwelling house. Therefore the application consists of one (1) principal dwelling and one (1) secondary dwelling and is not in any way consistent with the definition of <i>multi-dwelling housing</i>, contained within WLEP 2011. The development is therefore permissible with consent.
Development Engineers	The proposed development does not require on-site stormwater detention and connection of stormwater to the kerb in Wyndora Ave is satisfactory. The proposed parking space will require excavation and retaining walls to achieve the required levels which has been conditioned. The existing driveway crossing is to remain which is satisfactory. No objection to approval, subject to conditions as recommended.
Landscape Officer	No objections subject to conditions as recommended.

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The proposed works are consistent with this definition.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential zone and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 21: Development to which this Division applies

Requirement	Comment

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This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.

Consistent.

The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The application proposes to convert the garage for the existing dwelling (ie. the <i>principal dwelling</i>) into a <i>secondary dwelling</i> . In this respect, the application is consistent with this requirement.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	The proposed secondary dwelling has a floor area of approximately 46m ² , consistent with this requirement.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres. (b) parking if no additional parking is to be provided on the site.	Whilst the site area is less than 450m ² (408m ²), the proposed secondary dwelling is attached to the existing principal dwelling. Hence, the proposal is consistent with this requirement.

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposal has demonstrated compliance with the relevant requirements of SEPP ARH.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.762157S_02 dated 24 January 2017)

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	40

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

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.

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

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Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	3.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	3.1m	N/A	Yes
B3 Side Boundary Envelope	5m (west)	No breach	N/A	Yes
	5m (east)	No breach	N/A	Yes
B5 Side Boundary Setbacks	0.9m (west)	6.2m	N/A	Yes
	0.9m (east)	Nil	100	No
B7 Front Boundary Setbacks	6.5m (Johnson Street - primary frontage)	No change	N/A	N/A
	3.5m (Wyndora Avenue - secondary frontage)	3.5m (parking) 6.3m (rainwater tank) 6.9m (secondary dwelling)	N/A N/A N/A	Yes Yes Yes
B9 Rear Boundary Setbacks	N/A (corner allotment)	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (163m ²)	91m ² or 22%	45	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes

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Clause	Compliance with Requirements	Consistency Aims/Objectives
B5 Side Boundary Setbacks	No	Yes
Side Setbacks - R2	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
Front Boundary Exceptions - R2	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	No	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The new wall within the existing garage / laundry will have a nil setback from the side eastern boundary. This represents a 100% variation with the control.

It should be noted that as the existing garage / laundry is already located on this boundary, then no effective change to the existing side setback is proposed.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying

Objectives of the Control as follows:

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

Comment: In effect, there will be no change to the existing setback on this part of the eastern boundary and no loss of landscaped open space. In this regard, this objective is not compromised.

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

Comment: The conversion of the existing structure will result in no change to the existing height and side setback. The development therefore complies with this objective.

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

Comment: As stated previously, the conversion of the existing structure will result in no change to the existing height and side setback. The development therefore complies with this objective.

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

Comment: No adverse amenity impact is likely as a result of the non-compliance with the numerical requirement. Hence, this objective is achieved.

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

Comment: There is unlikely to be any adverse loss of views as a result of the non-compliance with the side boundary setback. Hence this objective will not be compromised.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Front Boundary Exceptions - R2

The exceptions to Part B7 state that front setbacks may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.

The proposed relocated parking space is setback a distance of 3.5m from the secondary frontage of Wyndora Avenue, consistent with this exception. There is a preponderance of structures in the vicinity of Wyndora Avenue which are located a nil setback from this frontage. Therefore the proposed setback of 3.5m for the parking space will not be in any way inconsistent with the existing character of the street.

C3 Parking Facilities

Description of non-compliance

The application provides one (1) car space, relocated from the existing garage, for the use of the

existing principal dwelling. This represents a shortfall of 1 space.

Merit consideration

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

- *To provide adequate off street carparking.*

Comment: Based on existing development consent DA2007/1148, the existing house is currently serviced by 1 car space. The application proposes no change to the existing principal dwelling, therefore no increase in the existing provision of parking is required. No additional parking is required for a secondary dwelling. Therefore the proposed provision of 1 car space is adequate to achieve this objective.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment: The proposed relocated car space is an at-grade space, supported by no above ground structure. This car space is located behind the required secondary front setback from Wyndora Avenue. The development is hence consistent with this objective.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment: The proposed relocated car space is an at-grade space, supported by no above ground structure. This car space is located behind the required secondary front setback from Wyndora Avenue. The development is hence consistent with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

A total of 91m², or 22% of the site, is set aside as landscaped open space. This represents a 45% variation to the minimum provision of 40%.

It should be noted that the existing approved provision of landscaped open space (as per DA2007/1148), is 22%.

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment: As stated previously, the existing provision of landscaped open space (22%) is

non-compliant with the minimum requirement. The proposed development will result in no effective loss of this landscaped open space. An additional area of landscaped open space will be provided on the Wyndora Avenue frontage of the site through the demolition of the existing shed. No change is proposed to the amount of landscaped open space on the Johnson Street frontage. Therefore, the development is consistent with this objective.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment: Given that no effective loss in the existing provision of landscaped open space is proposed, this objective is achieved.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment: Given that no effective loss in the existing provision of landscaped open space is proposed, this objective is achieved.

- *To enhance privacy between buildings.*

Comment: Given that no effective loss in the existing provision of landscaped open space is proposed, this objective is achieved.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment: Given that no effective loss in the existing provision of landscaped open space is proposed, this objective is achieved.

- *To provide space for service functions, including clothes drying.*

Comment: Given that no effective loss in the existing provision of landscaped open space is proposed, this objective is achieved.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment: Given that no effective loss in the existing provision of landscaped open space is proposed, this objective is achieved.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D2 Private Open Space

Description of non-compliance

Requirement 2 of Part D2 will require that the existing principal dwelling to have at least 60m² of private open space with minimum dimensions of 5 metres. This area is to be located on the secondary frontage of Wyndora Avenue, consistent with Requirement 5.

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A total of 51m² is provided, which represents a 15% (or 9m²) variation with the control.

Merit consideration

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

- *To ensure that all residential development is provided with functional, well located areas of private open space.*

Comment: With the demolition of the existing garden shed on the Wyndora Avenue frontage, and the re-instatement of existing concrete area as garden, there will be more functional private open space on the northern portion of the site to service the existing principal dwelling. The existing rear area of the dwelling is currently compromised by outbuildings and paved areas and the proposed re-arrangement of the landscaped open space will serve to achieve this objective.

- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*

Comment: The current area of open space is directly accessible from the ground floor of the principal dwelling and the proposed works will not modify this existing access. The development is therefore consistent with this objective.

- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*

Comment: There will be no change to the use of the existing private open space on the site that adjoins the Wyndora Avenue frontage. In this regard as there is no change to the location of the private open space there will be no adverse impact on the privacy of adjoining buildings and the development is therefore consistent with this objective.

- *To ensure that private open space receives sufficient solar access and privacy.*

Comment: The area of private open space is oriented to the north and receives adequate solar access. Privacy impacts for occupants of the private open space are likely to be negligible. The development is therefore consistent with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0322 for Alterations and Additions to an existing garage/workshop and conversion to a secondary dwelling on land at Lot 12 DP 7310, 59 Johnson Street, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1A	August 2016	JJ Drafting
DA2A	August 2016	JJ Drafting
DA3A	August 2016	JJ Drafting
DA4A	August 2016	JJ Drafting
DA5A	August 2016	JJ Drafting
DA7A	August 2016	JJ Drafting

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By
BASIX Certificate No.762157S	24 January 2017	JJ Drafting

b) No consent is granted for the existing wall on the eastern boundary which encroaches upon the adjoining property at No.57 Johnson Street.

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

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

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

Waste Management Plan		
Drawing No.	Dated	Prepared By
DA13	August 2016	JJ Drafting

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. (DACPLB01)

2. **Occupancy**

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:

- dwelling house; and
- secondary dwelling

A dwelling house is defined as:

"means a building containing only one dwelling."

A secondary dwelling is defined as:

"means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling."

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

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. 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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that 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 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.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling

centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 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 sewerred areas or managed on-site in unsewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

(1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.

(2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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.warringah.nsw.gov.au/your-council/forms).

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

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

6. Parking Facility

The proposed parking facility within the private property including the driveway gradients, slab level and dimensions are to be designed and constructed in accordance with Australian / New Zealand Standard AS/NZS 2890.1:2004. Engineering details by a suitably qualified and practicing civil engineer demonstrating compliance are to be submitted to the Certifying Authority for approval.

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

Reason: To ensure suitable vehicular parking to private property. (DACENC13)

7. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

8. **Tree protection**

- (a) Existing trees which must be retained
 - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
 - ii) Trees located on adjoining land

- (b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

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) AS 4970 - 2009 'Protection of trees on development sites'**
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

**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)

10. **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 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)

11. **Building Certificate - Unauthorised Works on site**

An application for a Building Certificate is to be lodged and approved for all unauthorised works onsite.

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

Reason: To regularise unauthorised development. (DACPLC15)

12. **Waste / Recycling Facilities**

Adequate services for waste and recycling facilities for the existing principal dwelling and secondary dwelling are to be provided.

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 site facilities are provided (DACPLCPCC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

14. **Waste Management During Development**

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

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

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

15. **Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

16. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

17. **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)

18. **Certification of Parking Facility Works**

An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the parking facility was constructed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.

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

Reason: To ensure the parking facility has been constructed in accordance with the Standard. (DACENF13)

19. **Required Planting**

i) Screen planting is to be provided in the rear yard (Wyndora Ave frontage) as indicated on Landscape Concept Plan Dwg No. DA 7 A dated August 2016 prepared by JJ Drafting.

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

Reason: To maintain environmental amenity. (DACLAF01)

20. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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 bushland management. (DACPLF01)

21. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

Nick England, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

NORTHERN BEACHES COUNCIL

ATTACHMENT A

Notification Plan	Title	Date
 2017/106673	Plan - Notification	07/04/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/108108	Notification Map	19/04/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/106671	Plans - Survey	15/08/2016
 2017/106675	Report - BASIX Certificate	24/01/2017
 2017/106677	Plans - Stormwater	16/03/2017
 2017/106678	Plans - Certification of Shadow Diagrams with Plans	16/03/2017
 2017/106674	Report - Statement of Environmental Effects	07/04/2017
 2017/106685	Plans - Master Set	07/04/2017
 2017/106673	Plan - Notification	07/04/2017
 2017/106684	Plans - Internal	07/04/2017
 2017/106676	Report - Waste Management	07/04/2017
 DA2017/0322	59 Johnson Street FRESHWATER NSW 2096 - Development Application - Change of Use	10/04/2017
 2017/100918	invoice for ram applications - J J Drafting	10/04/2017
 2017/100919	DA Acknowledgement Letter - J J Drafting	10/04/2017
 2017/106492	Development Application Form	18/04/2017
 2017/106497	Applicant Details	18/04/2017
 2017/106682	Plans - External	18/04/2017
 2017/106702	Letter - General Statement	18/04/2017
 2017/108822	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/0322 - 59 Johnson Street FRESHWATER NSW 2096 - PR	18/04/2017
 2017/108088	Notification Letter - 9	19/04/2017
 2017/108108	Notification Map	19/04/2017
 2017/112383	Online Submission - Martin	24/04/2017
 2017/114452	Building Assessment Referral Response	26/04/2017
 2017/117027	Development Engineering Referral Response	28/04/2017
 2017/118413	Submission - Chapman	29/04/2017
 2017/121614	ARP Notification Map	02/05/2017
 2017/155007	Landscape Referral Response	26/05/2017
 2017/178882	BD2017/00550 - 1 Comeroy Crescent FRENCHS FOREST NSW 2086 - Road Damage Bond	05/06/2017
 2017/274864	Working Plans	08/08/2017
 2017/285454	Draft response - Richard Grace	14/08/2017