

DEVELOPMENT ASSESSMENT REPORT

Planner: Adam Mitchell
Address / Property Description: Lot 1013 DP 752038
Lot 1013/ Oxford Falls Road OXFORD FALLS
Alterations and Additions to Optus Communications Facility

Development Application No: DA2017/0429

Application Lodged: 9 May 2017

Applicant: Singtel Optus Pty Ltd

Owner: Optus Networks Pty Ltd

Locality: B2 Oxford Falls Valley

Category: Category Two

Variations to Controls (Cl.20/Cl.18(3)): No

Referred to DDP: No

Referred to NBIAP: No

Land and Environment Court Action: No

SUMMARY

Submissions: None

Submission Issues: N/A

Assessment Issues: None

Recommendation: Approval

Attachments: None

Cost of Works \$36,445.00

LOCALITY PLAN (not to scale)



Subject Site: 1013 / 0 Oxford Falls Road OXFORD FALLS NSW 2100

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to eight (8) adjoining land owners and occupiers, furthermore, the application has been advertised within the Manly Daily on 26 May 2017 and a notice was placed upon the site.

SITE DESCRIPTION

The site:

- Is comprised of one allotment located on the eastern side of Oxford Falls Road and is legally described as Lot 1013 in DP 752038. The allotment is irregular in shape and has a surveyed area of 3.22ha.
- Is upon land located within the B2 Oxford Falls Valley locality.
- Has a frontage to Oxford Falls Road of 167.75m.
- Presently accommodates an Optus satellite facility with associated buildings and car parking.
- Development area subject of this application has previously been cleared and is currently turfed.
- Has significant rock outcrops and mature vegetation throughout, none of which is located in sufficient proximity to be impacted upon by the subject development.

THE LOCALITY

- The site is predominantly bordered by large undisturbed parcels of bushland, generally under ownership of the Aboriginal Land Council.
- North of the site is a large site with a contemporary dwelling currently under construction and a series of outbuildings and car parking.
- South west of the site is a Telstra satellite facility which is not dissimilar to that of the subject site.
- The site is located some 1.6km north west of Wakehurst Parkway and 2.6km south east of Forest Way.

SITE HISTORY

The subject site has no recent or relevant applications and has been used as a communications facility for an extended period of time.

The subject area of development appears to have previously housed several shipping containers (or similar) within the footprint of the proposed shed. Recent aerial photographs show the structures present on the site up until approximately February 2017.

An inspection of the site revealed an obvious footprint of where these structures previously existing (see Figure 1 below).



Figure 1 - Previous structure footprint on development site area - 03/07/2017

PROPOSED DEVELOPMENT

The development application is for the construction of a storage shed at an existing Optus telecommunications facility. The shed measures to be approximately 10.0m x 10.0m and has a height of 4.6m.

The shed is to be constructed on an existing cleared area which is presently vacant and accessible via an unformed dirt road

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2000.
- c) Warringah Local Environment Plan 2000
- d) Warringah Development Control Plan

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a

result, the application was notified to eight (8) adjoining land owners for a period of 34 calendar days commencing on 26 May 2017 and being finalised on 30 June 2017, furthermore, the application has been advertised within the Manly Daily on 26 May 2017 and a notice was placed upon the site.

As a result of the public exhibition process zero submissions have been received from:

REFERRALS

External Referrals

	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.
NSW Rural Fire Service – local branch	The NSW RFS has reviewed the proposal and raises no objections to the development, subject to conditions relating to Asset Protections Zones (APZ) and Design and Construction which can be found in the recommendations of this report.
Aboriginal Heritage	There are known Aboriginal sites in the area although no sites are recorded in the current lot and the area has been subject to previous disturbance reducing the likelihood of unrecorded Aboriginal sites. If areas of in situ sandstone outcrop are in the proposed development area (such as overhangs over 1m in height or level platforms over 2m square), the Aboriginal Heritage Office would recommend a preliminary inspection ('due diligence' under the <i>National Parks and Wildlife Act 1974</i>) by a qualified Aboriginal heritage professional prior to any development. If there are no existing sandstone outcrops present (or if any outcrops that were present were properly excluded from future impacts), then no further assessment is required and the Aboriginal Heritage Office would not foresee any further Aboriginal heritage constraints on the proposal. Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and

	Comments
	Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted. <u>Planner Comment:</u> Council met with a representative of Optus on site on the morning of 3 July 2017 to review the proposed development area. The area subject to this development is a cleared grass area with no evident sandstone rock outcrops in the vicinity. It is noted that some 30m away from the site there are large sandstone cliffs which will not be impacted upon by this development. Figure 2 (below) shows the rock outcrops and the proximity to the development area. As such, standard conditions (as above) are recommended in this report, and it is considered that no further assessment on the Aboriginal heritage is required.
Integrated Development – NSW Office of Water – Department of Primary Industries (Controlled Activity Approval for works within 40m of watercourse)	The application was referred to the Department of Primary Industries (DPI) who advised that a controlled activity approval is not required for this development and raised no objection with no recommendations.

Internal Referrals

	Comments
Building Assessment – Fire and Disability upgrades	No objections to the application which seeks approval for the construction of a detached shed utilised for storage purposes only. No special conditions required.
Development Engineers	No engineering objection is raised to the proposed development.
Landscape Officer	No objections raised to the proposal, subject to conditions as recommended.
Natural Environment (Biodiversity)	Council's Natural Environment (Biodiversity) has reviewed the proposal and raises no objections to the development, subject to conditions regarding the installation and maintenance of sediment and erosion control, which can be found in the recommendations of this report.
Natural Environment (Riparian Lands)	No objection to approval subject to additional conditions as recommended in this report.



Figure 2 - View of rock outcrops adjacent to proposed development area - 03/07/2017

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of 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	See discussion on “Draft Environmental Planning Instruments” in this report.
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 regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building

Section 79C 'Matters for Consideration'	Comments
	Code of Australia. This matter has been address via a condition of consent. Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent. Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent. Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted. Clause 54 and 109 of the EPA Regulations 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. Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval.
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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact 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 site is considered un/suitable for the proposed

Section 79C 'Matters for Consideration'	Comments
the development	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 that would justify the refusal of the application in the public interest.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPP's)

State Environmental Planning Policy No 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 industrial 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 industrial land use.

State Environmental Planning Policy - BASIX

A BASIX certificate is not required to be submitted with the subject application.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out as a result the application was referred to Ausgrid who raised no objection to the proposal and recommend no conditions.

State Environmental Planning Policy 19 – Bushland in Urban Areas

The provisions of the SEPP require that a person shall not disturb bushland zoned or reserved for public open space purposes without the consent authority considering the aims and objectives of the SEPP.

In this regard, consideration is given as follows:

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,
- (c) to protect rare and endangered flora and fauna species,
- (d) to protect habitats for native flora and fauna,
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,
- (f) to protect bushland as a natural stabiliser of the soil surface,
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,
- (h) to protect significant geological features,
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,
- (j) to protect archaeological relics,
- (k) to protect the recreational potential of bushland,
- (l) to protect the educational potential of bushland,
- (m) to maintain bushland in locations which are readily accessible to the community, and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.”

Comment:

The proposed development does not seek for the removal or modification of any existing bushland in or around the development site and as such, the application is not anticipated to give rise to any detrimental environmental impacts and satisfies the aims of the SEPP.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

1 Desired Future Character (DFC)

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

The proposed development is defined as not defined under the WLEP 2000 dictionary and is considered to fall within the Category 2 clause “other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.”. “Other buildings” are identified as Category 2 development in this locality.

i) CATEGORY 2 DEVELOPMENT

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

Requirement: *“Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will*

be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.”

Comment: The proposed development for the construction of a storage shed will be ancillary to the existing use of the site as a telecommunications facility. The facility will not be visible from Narrabeen Lagoon or Wakehurst Parkway.

The development satisfies this requirement.

Requirement: *“The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged”*

Comment: No vegetation is proposed to be removed as a part of this application and no excavation is proposed. Therefore it is considered that the development protects and retains the natural landscape.

The development satisfies this requirement.

Requirement: *“A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape”*

Comment: The site is not located on Forest Way or Wakehurst Parkway and this requirement is therefore not applicable.

Requirement: *“Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”*

Comment: The development for the construction of a storage shed is not considered to have any impacts by virtue of siltation or pollution which may impact upon waterways. Further, conditions have been included in the recommendations of this consent requiring the installation of sediment and erosion controls for the duration of the build.

The development satisfies this requirement.

As detailed above the proposed development is considered to be consistent with the Locality’s DFC statement.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table			
Built Form Standard	Requirement	Proposed Development	Compliance
Housing density	1 dwelling per 20 ha	N/A no dwellings proposed/existing	Yes
Building height	8.5m	4.635m	Yes
Front building setback	20.0m	93.0m	Yes
Rear and side building setbacks	10.0m	East – 113.9m (approx.) North – 23.0m South – 83.8	Yes
Landscaped open space	30%	83.5% (2.69 ha)	Yes
National Park setback	20.0m	N/A	Yes

The proposed development is considered to satisfy the Locality's Built Form Controls, accordingly, no further assessment will be provided in this regard.

2 General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	N/A	The isolated nature of the site results in the development not being visible from any surrounding roads or buildings. As such, it is not considered necessary to recommend standard conditions requiring the development to be of a certain colour to minimise glare and reflectively.	YES
CL39 Local retail centres	N/A	The proposal does not involve a local retail centre.	N/A
CL40 Housing for Older People and People with Disabilities	N/A	The proposal does not involve housing for older people or persons with disabilities.	N/A
CL41 Brothels	N/A	The proposal does not involve a brothel.	N/A
CL42 Construction Sites	Yes	Appropriate conditions have been included in the recommendations of this report to ensure that the construction/installation of the subject shed will not have an adverse impact on the surrounding land.	YES
CL43 Noise	N/A	The proposed shed is relatively isolated in its location, is not in proximity to any neighbouring residential properties and is not of a use which would be likely to generate any unreasonable levels of noise. As such, the development satisfies cl. 43.	YES

General Principles	Applies	Comments	Complies
CL44 Pollutants	N/A	The construction of the shed on previously cleared land is not anticipated to give rise to any pollution.	YES
CL45 Hazardous Uses	N/A	The proposal is for the construction of a shed and is not a hazardous use.	N/A
CL46 Radiation Emission Levels	N/A	The proposal is for the construction of a shed and will not give rise to radiation emission levels.	N/A
CL47 Flood Affected Land	N/A	The development is not upon flood affected land.	N/A
CL48 Potentially Contaminated Land	N/A	SEPP 55 covers this matter. In summary, it is considered that the land is not potential contaminated given prior uses.	YES
CL49 Remediation of Contaminated Land	N/A	Not required.	N/A
CL49a Acid Sulfate Soils	N/A	The subject development area is not identified as being within acid sulfate soils.	N/A
CL50 Safety & Security		The Optus satellite site is a secure facility with fencing, gates and (at times) on-site security. It is therefore considered that the shed will have sufficient security and will not give rise to any safety risk.	YES
CL51 Front Fences and Walls	N/A	No front fences and walls are proposed.	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	The development area is largely surrounded by undisturbed bushland. The area of development has previously been cleared and appeared to have accommodated shipping containers recently (as evident by markings in the earth). However, the development does not propose the removal or modification of any existing vegetation and does not impact upon nearby parks, bushland reserves or any public open spaces and is therefore assessed as being satisfactory.	YES
CL53 Signs	N/A	No signs are proposed.	N/A
CL54 Provision and Location of Utility Services		The site has an existing sufficient supply of utility services.	YES
CL55 Site Consolidation in 'Medium Density Areas'	N/A	The site is not located in a medium density area and does not propose site consolidation.	N/A

General Principles	Applies	Comments	Complies
CL56 Retaining Unique Environmental Features on Site	Yes	The proposed development site is presently vacant. The footprint of the subject development has previously been occupied by temporary shipping containers or the like which have since been removed. The proposed location of the subject development will not have a detrimental impact upon the ecology or natural features surrounding the sites including distant rock outcrops and vegetation. In this regard, the development is considered to satisfactorily achieve compliance with this control.	YES
CL57 Development on Sloping Land		The development site is relatively flat and has previously been cleared.	YES
CL58 Protection of Existing Flora		No vegetation is proposed to be removed or modified by this development.	YES
CL59 Koala Habitat Protection		No vegetation is proposed to be removed or modified by this development and as such, it is considered not to have any impacts upon any potential koala habitats.	YES
CL60 Watercourses & Aquatic Habitats		The development will not impact upon any existing watercourses and aquatic habitats.	
CL61 Views		Clause 61 stipulates 'Development is to allow for the reasonable sharing of views'. The development is of a small scale and is located in a relatively remote location that is not readily visible from surrounding properties. The development will not cause disruption to any existing provision of views, further than the existing satellites on the site do. In this regard, the development is considered satisfactory.	YES
CL62 Access to sunlight		The development is single storey and will only cause minor overshadowing to surrounding turfed areas.	YES
CL63 Landscaped Open Space		Complies with built form standards.	YES
CL63A Rear Building Setback		Complies with built form standards.	YES
CL64 Private open space	N/A	The development is for a shed and does not require POS, nor will it impact upon any existing POS.	N/A
CL65 Privacy		The proposed development will not have any	YES

General Principles	Applies	Comments	Complies
		adverse privacy impacts as: a) It is a shed; and b) The shed is not visible from any surrounding properties.	
CL66 Building bulk		Satisfactory.	YES
CL67 Roofs		Satisfactory.	YES
CL68 Conservation of Energy and Water		Satisfactory.	YES
CL69 Accessibility – Public and Semi-Public Buildings	N/A	The proposed shed is not a public or semi-public building.	N/A
CL70 Site facilities		The proposed shed will act as a site facility and will not require any additional facilities including garbage and waste enclosures, letter boxes or the like.	YES
CL71 Parking facilities (visual impact)	N/A	The development does not propose any additional parking facilities.	N/A
CL72 Traffic access & safety	N/A	No changes are proposed the existing driveway configuration and entry and egress of the site.	YES
CL73 On-site Loading and Unloading	N/A	Any on-site loading and unloading associated with the subject shed will be associated with the existing facilities on site and will continue to be screened from the public view.	YES
CL74 Provision of Carparking		The site has an existing car park for staff. The subject development for the construction of a storage shed ancillary to the use of the site as a telecommunications facility is not considered to require additional car parking upon the site. Therefore, the existing provision of car parking remains satisfactory.	N/A
CL75 Design of Carparking Areas	N/A	No carparking areas are proposed as a part of this application.	N/A
CL76 Management of Stormwater		Council's development engineers have reviewed the proposal and raise no objections in regards to stormwater, subject to conditions as recommended.	YES
CL77 Landfill	N/A	No landfill is proposed in this application.	N/A
CL78 Erosion & Sedimentation		Conditions have been included in the recommendations of this consent requiring a sediment and erosion control fence to be installed during construction.	YES
CL79 Heritage Control	N/A	The subject development area has previously been built upon and is in a cleared area. The development will not impact upon any heritage items.	YES
CL80 Notice to Metropolitan Aboriginal		The Aboriginal Heritage Office was referred to and	YES

General Principles	Applies	Comments	Complies
Land Council and the National Parks and Wildlife Service		provided comments which can be found elsewhere in this report. In summary, no objections are raised to the development subject to conditions. The site is not adjacent to or adjoining any National Parks	
CL81 Notice to Heritage Council	N/A	This clause is repealed.	N/A
CL82 Development in the Vicinity of Heritage Items	N/A	The site is not located in an area which will impact upon any heritage items.	YES
CL83 Development of Known or Potential Archaeological Sites		The site and development proposal have been reviewed by the Aboriginal Heritage Office who have raised no objections, subject to conditions as recommended.	YES

SCHEDULES

Schedule 6 - Preservation of Bushland

The development does not propose the removal or modification of any existing bushland and as such, satisfies the provisions of this schedule.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

As the estimated cost of works is less than \$100,000.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The proposal has been considered 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 any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environment Plan 2009 and the relevant codes and policies of Council.

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

As a direct result of the application and the consideration of the matters detailed within this report it is considered that Council as the consent authority grant approval the application.

RECOMMENDATION - APPROVAL

THAT Council as the consent authority grant Development Consent to DA2017/0429 for Alterations and Additions, Telecommunications Network on land at Lot 1013/ Oxford Falls Road OXFORD FALLS subject to the conditions printed over page:

Detail of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

Note:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

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
DURAL3-6165 Page 1/2	Undated	Ranbuild
DURAL3-6165 Page 2/2	Undated	Ranbuild
Optus Earth Station - Oxford Falls (overlay)	Undated	Unspecified

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Assessment	5 April 2017	Building Code & Bushfire Hazard Solutions

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.

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. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	eServices Reference	Dated
NSW Rural Fire Service	NSW RFS Referral Response	27 June 2017

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the

statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. Occupancy

Nothing in this consent shall authorise the use of the building subject of this development application to be used as anything other than a storage shed.

Any variation to the approved land use will require the submission to Council of a new development application.

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

4. Prescribed Conditions

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

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

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

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

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

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

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to

which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

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

Reason: Legislative Requirement (DACPLB09)

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works

commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) 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 sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(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

6. Security Bond

A bond (determined from cost of works) of \$1,000 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. 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)

7. 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/NZS 2890.1:2004 Parking facilities - Off-street car parking**

*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)

8. 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)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. 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)

10. 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. (DACLAEO3)

11. Protection of rock and sites of significance

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

12. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site. (DACNEEDW1)

13. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

14. 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.

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

15. 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)

Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

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


Adam Mitchell, Planner

Date

14 Jul 17



Date

14/07/17.

Rodney Piggott, Planning Assessment Manager