

3.1	95 Essilia Street, Collaroy Plateau - Alterations and Additions to a Dwelling House
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DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Keith Wright
Address / Property:	Lot 1, DP 627407, 95 Essilia Street, Collaroy Plateau
Description:	Alterations and additions to a dwelling house. Works include an extension of habitable space and a roofed ground floor deck at the front of the dwelling and the renovation and roofing of an existing first floor deck at the rear of the dwelling
Development Application No:	DA2010/1239
Application Lodged:	29/04/2010
Plans Reference:	GR09076.D, Sheets 1 of 9 and 4 of 9 to 9 of 9, dated 30/7/10, prepared by Ken Jones
Applicant:	Joan Ramshaw
Owner:	Joan Ramshaw
Locality:	D 4 Collaroy Plateau
Category:	Category 1 - Housing
Draft WLEP 2009 Permissible or Prohibited Land use:	Permissible
Variations to Controls (Cl.20/Cl.18(3)):	Front Setback (secondary street)
Referred to ADP:	Yes (more than 2 unresolved submissions)
Referred to WDAP:	Not applicable
Land and Environment Court Action:	None
SUMMARY	
Submissions:	3 submissions
Submission Issues:	View loss, design, stormwater, glare, loss of light, dividing fence and fill
Assessment Issues:	View loss and design
Recommendation:	Approval- subject to conditions
Attachments:	A4 size plans

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	Yes	Yes
Section 2 – Issues Assessment	Yes	Yes
Section 3 – Site Inspection Analysis	Yes	Yes
Section 4 – Application Determination	Yes	Yes

Notification Required? Yes

Period of Public Exhibition? 14 days

Submissions Received? Yes

No. of Submissions: 3

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D4 Collaroy Plateau

Development Definition: Housing

Category of Development: Category 1

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible

Desired Future Character:

"The Collaroy Plateau locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will continue to be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The properties north and east of Edgecliff Boulevard form part of the crests and sideslopes of the Collaroy escarpment. Development in this part of the locality must integrate with the landscape and topography and minimise its visual impact on long distance views of the escarpment. Rock outcrops and indigenous tree canopy will be integrated with new development where possible. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Buildings are not to be erected on areas shown cross-hatched on the map due to the land's steep slope, instability and visual sensitivity.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39."

Category 1 Development with a variation to the secondary Front Setback BFC.

Is the development considered to be consistent with the Locality's Desired Future Character Statement?
Yes

Built Form Controls:	
Building Height (overall): Applicable: Yes Requirement: 8.5 m	Existing and unchanged Proposed: 7.1 m Complies: Yes

Built Form Controls:	
Building Height (underside of upper most ceiling): Applicable: Yes Requirement: 7.2 m	Existing and unchanged Proposed: 5.5 m Complies: Yes
Front Setback: Applicable: Yes Requirement: 6.5 m Is the Corner Allotment / Secondary Street Frontage control applicable?: Yes Requirement: 6.5 m with a concession to 3.5 m	Existing and unchanged Proposed: 11.065 m Complies: Yes Corner Allotment: Secondary Street Frontage: Existing and unchanged Proposed: 2.3 m Complies: No
Housing Density: (Site 483 sqm) Applicable: Yes	Existing and unchanged Complies: Yes
Landscape Open Space: Applicable: Yes Requirement: 40% (193 .sqm)	Existing and unchanged Proposed: 52 % (255 sqm) Complies: Yes
Rear Setback: Applicable: No - not applicable for corner lots	
Side Boundary Envelope: Applicable: Yes Requirement: 5m / 45 degrees	Boundary: Nth Fully within Envelope: Yes Complies: Yes Boundary: Est Fully within Envelope: Yes Complies: Yes
Side Setbacks: Applicable: Yes Requirement: 900mm	Boundary: Nth Existing and unchanged or Proposed: 1.96 m Complies: Yes Boundary: Est Existing and unchanged or Proposed: 4.4 m Complies: Yes

General Principles of Development Control:	
CL38 Glare & reflections Applicable: Yes	Complies: Yes , subject to condition
CL39 Local retail centres Applicable: No	
CL40 Housing for Older People and People with Disabilities Applicable: No	
CL41 Brothels Applicable: No	
CL42 Construction Sites Applicable: Yes	Complies: Yes , subject to condition
CL43 Noise Applicable: No	
CL44 Pollutants Applicable: No	
CL45 Hazardous Uses Applicable: No	
CL46 Radiation Emission Levels Applicable: No	
CL47 Flood Affected Land Applicable: No	
CL48 Potentially Contaminated Land Applicable: Yes	Complies: Based on the previous land uses is the site likely to be contaminated? No Is the site suitable for the proposed land use? Yes
CL49 Remediation of Contaminated Land Applicable: No	
CL49a Acid Sulfate Soils Applicable: No	
CL50 Safety & Security Applicable: Yes	Complies: Yes
CL51 Front Fences and Walls	

General Principles of Development Control:	
Applicable: No	
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: No	
CL53 Signs Applicable: No	
CL54 Provision and Location of Utility Services Applicable: Yes	Complies: Yes
CL55 Site Consolidation in 'Medium Density Applicable: No	
CL56 Retaining Unique Environmental Features on Site Applicable: Yes	Complies: Yes
CL57 Development on Sloping Land Applicable: Yes	Complies: Yes
CL58 Protection of Existing Flora Applicable: Yes	Complies: Yes
CL59 Koala Habitat Protection Applicable: No	
CL60 Watercourses & Aquatic Habitats Applicable: No	
CL61 Views Applicable: Yes	Complies: Yes - See Section 2 of this report for comment.
CL62 Access to sunlight Applicable: Yes	Complies: Yes
CL63 Landscaped Open Space Applicable: Yes	Complies: Yes
CL63A Rear Building Setback Applicable: No – N/a for corner lots	
CL64 Private open space Applicable: Yes	Complies: Yes

General Principles of Development Control:	
CL65 Privacy Applicable: Yes	Complies: Yes
CL66 Building bulk Applicable: Yes	Complies: Yes
CL67 Roofs Applicable: Yes	Complies: Yes
CL68 Conservation of Energy and Water Applicable: Yes	Complies: Yes
CL69 Accessibility – Public and Semi-Public Buildings Applicable: No	
CL70 Site facilities Applicable: Yes	Complies: Yes
CL71 Parking facilities (visual impact) Applicable: No	
CL72 Traffic access & safety Applicable: No	
CL73 On-site Loading and Unloading Applicable: No	
CL74 Provision of Carparking Applicable: Yes	Complies: Yes
CL75 Design of Carparking Areas Applicable: No	
CL76 Management of Stormwater Applicable: Yes	Complies: Yes
CL77 Landfill Applicable: No	
CL78 Erosion & Sedimentation Applicable: Yes	Complies: Yes , subject to condition
CL79 Heritage Control Applicable: No	

General Principles of Development Control:	
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: No - deleted	
CL81 Notice to Heritage Council Applicable: No	
CL82 Development in the Vicinity of Heritage Items Applicable: No	
CL83 Development of Known or Potential Archaeological Sites Applicable: No	

Schedules:	
Schedule 5 State policies Applicable: No	
Schedule 6 Preservation of bushland Applicable: No	
Schedule 7 Matters for consideration in a subdivision of land Applicable: No	
Schedule 8 Site analysis Applicable: Yes	Complies: Yes
Schedule 9 Notification requirements for remediation work Applicable: No	
Schedule 10 Traffic generating development Applicable: No	
Schedule 11 Koala feed tree species and plans of management Applicable: No	
Schedule 12 Requirements for complying development Applicable: No	

Schedules:	
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: No	
Schedule 14 Guiding principles for development near Middle Harbour Applicable: No	
Schedule 15 Statement of environmental effects Applicable: No	
Schedule 17 Carparking provision Applicable: Yes	Complies: Yes

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable?

Yes

SEPP Basix: Applicable?

Yes

If yes: Has the applicant provided Basix Certification?

Yes

SEPP 55 Applicable?

Yes

Based on the previous land uses is the site likely to be contaminated?

No

Is the site suitable for the proposed land use?

Yes

SEPP Infrastructure

Applicable?

Yes

Is the proposal for a swimming pool:

No

Within 30m of an overhead line support structure?

No

Within 5m of an overhead power line ?

No

Does the proposal comply with the SEPP?

Yes

REPs: Applicable?: No

EPA Regulation Considerations:	
Clause 54 & 109 (Stop the Clock) Applicable: No	
Clause 92 (Demolition of Structures) Applicable: Yes	Addressed via condition? Yes
Clause 92 (Government Coastal Policy) Applicable: No	
Clause 93 & 94 (Fire Safety) Applicable: Yes	Addressed via condition? Yes
Clause 94 (Upgrade of Building for Disability Access) Applicable: No	
Clause 98 (BCA) Applicable: Yes	Already addressed / Addressed via condition? Yes

REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	Yes	Satisfactory, subject to condition
Landscape Assessment	Yes	Satisfactory, subject to condition
NEU	No	
Aboriginal Heritage	No	
Env. Health and Protection	No	
NSW Rural Fire Service	No	
Energy Australia	Yes	Satisfactory, subject to condition

Applicable Legislation/ EPI's /Policies:

EPA Act 1979
EPA Regulations 2000
Swimming Pools Act 1992;
SEPP No. 55 – Remediation of Land
SEPP BASIX
SEPP Infrastructure
WLEP 2000
WDCP

SECTION 79C EPA ACT 1979	
Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	Yes
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	Yes
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	Yes
Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	Yes
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	Yes
Section 79C (1) (c) – Is the site suitable for the development?	Yes
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	Yes
Section 79C (1) (e) – Is the proposal in the public interest?	Yes

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling House (

Land Use Zone: R2 – Low Density Residential

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: N/a

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	N/a			
Rural Subdivision:	N/a			
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/a			
Height of Buildings:	8.5 m	7.1 m	Yes	

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

SECTION 2 – ISSUES

(Note to DAO, delete Section 2 if not applicable.)

PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000 and the applicable Development Control Plan.

As a result of the public exhibition of the application Council received submissions from:

Name	Address
1. John (Surname not given)	P O Box 1491 Dee Why (Not known on the phone number given in the letter of objection)
2. Hintz	23 Acacia Street, Collaroy Plateau (opposite corner on the sth. eastern side of Acacia and Essilia Sts.
3. Nikola	97 Essilia Street, Collaroy Plateau (adjacent property on the northern side of Essilia Street)

The following issues were raised in the submissions:

- 1. No issues were mentioned, just a statement of objection;
- 2. Stormwater impact on the street; inadequate information to support the proposal; lack of articulation to the external wall; request for height poles; potential glare from metal roof;
- 3. Impact on light; need for a dividing fence; possible raising the level of the land.

The matters raised within the submissions are addressed as follows:

- Stormwater impact on the street - the concern related to drainage affecting properties lower down Essilia Street.;

Comment: The matter of drainage was considered by Council's engineers without any conditions being imposed.

- Inadequate information to support the proposal - the concern related to the Statement of Effect. It was claimed that a more detailed document should have been provided;

Comment: The statement was comprehensive enough to provide an appreciation of the proposal and impact on the relevant controls under Warringah LEP 2000.

- Lack of articulation to the external wall;

Comment: The external wall facing the objectors' property will be extended by 3.6m. The wall will have numerous window and door openings together with a small balcony on the first floor level. The additions include open sided, roofed decks at the front and rear of the dwelling. It is considered that the wall and decks will be suitably articulated.

- Request for height poles;

Comment: The development will impact on the long distant view from the living rooms at the front of the objectors' dwelling. The following photos show these views. Whilst it is claimed that Lion Island can be seen long distance through the trees, it is not obvious from these photos.

The objectors asked that height poles be erected. It is considered that poles are not necessary as it was quite obvious from a site visit with the objectors that some of the long distant view as revealed in the first photograph will be lost to the additions, although the far distant view of what is suggested as Lion Island will remain.

The photos reveal that the principle of view sharing will remain and the amount of view loss overall will be minimal. Other photos reveal the full extent of bushland views from the objectors' frontage.

Whilst the assessment using the Planning Principle "Tenacity" sets parameters for evaluating view loss, it is apparent that the loss is not inconsistent with General Principle 61 and therefore is acceptable.

NOTE:

The objectors have requested that some trees should be required to be removed to compensate for view loss. Council has no right to require removal of trees.



LONG DISTANCE VIEW TO THE NORTH – LION ISLAND ??



THE ADDITIONS WILL BLOCK SOME OF THIS VIEW



UNINTERRUPTED VIEWS TO THE NORTH WEST



UNINTERRUPTED VIEWS TO THE NORTH WEST

- Potential glare from metal roof;

Comment: A condition will require that a darker roof colour is selected.

- Impact on light;

Comment: The objector's property is located on the northern side. The distance from the boundary is 1.96m to the additions and 4.85m to the roofed deck at the front of the dwelling. Loss of light is not considered to be an issue at these distances and with the orientation of the objector's dwelling on the north side.

- Need for a dividing fence

Comment: Provision of a dividing fence is a private matter between neighbours.

- Possible raising of the level of the land;

Comment: There is no proposal to raise the level of the land.

MEDIATION

Has mediation been requested by the objectors?	No
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WLEP 2000

DESIRED FUTURE CHARACTER

"The Collaroy Plateau locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will continue to be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The properties north and east of Edgecliff Boulevard form part of the crests and sideslopes of the Collaroy escarpment. Development in this part of the locality must integrate with the landscape and topography and minimise its visual impact on long distance views of the escarpment. Rock outcrops and indigenous tree canopy will be integrated with new development where possible. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Buildings are not to be erected on areas shown cross-hatched on the map due to the land's steep slope, instability and visual sensitivity.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39."

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding, Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliance with the Front Setback Built Form Control, as such pursuant to Clause 20(1) a higher test is required

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

The proposed development is considered to satisfy the applicable DFC statement for the reasons detailed hereunder:

- *The residential nature of the locality is maintained by the continued use of the subject site for a detached style dwelling surrounded by landscaped settings;*
- *The proposal maintains the visual pattern and predominant scale of existing detached style housing in the locality;*
- *The proposal maintains the current landscaped front garden and is consistent with the surrounding front building setbacks;*

- *There are no exposed natural sandstone outcrops to be affected by the proposal;*
- *The materials intended will blend with the colours and textures of the natural landscape and the development will integrate with the natural landscape and topography.*

BUILT FORM CONTROLS

As detailed within Section 1 (Code Assessment) the proposed development is considered to fail the Locality's Front Setback Built Form Control, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Front Setback Built Form Control

Requirement:

"Development is to maintain a minimum front building setback.

The minimum front building setback is 6.5 metres.

The front building setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letterboxes, and garbage storage areas.

Consent may be granted for development to be carried out within the minimum front building setback on corner blocks or blocks with double street frontage the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or ..."

Area of inconsistency with control:

The Front Setback to the secondary street will be 2.3m.

Merit Consideration of Non-compliance:

As indicated in the Control, variations to secondary streets are permissible to 3.5 metres subject to the character and predominant setbacks to that street being maintained. In this proposal, the setback to the secondary street is less than 3.5 metres however it does fulfil the criteria described.

The following considerations have been applied in the assessment of the Front Setback.

1: Create a sense of openness:

Comment: The reduced setback is a continuation of the front setback of the existing dwelling. The additional wall length will be 3.6m for the additions at the front together with an additional 3.6m of open-sided roofed deck. There is an existing open-sided unroofed deck at the rear of the dwelling, which will be roofed as part of this proposal. The boundary length is 39.625m. It is considered that the reduced setback does not reduce the sense of openness along this boundary in that the only solid built form is the addition at the front of the dwelling. The open-sided deck will have negligible impact.

2: Provide opportunities for landscaping:

Comment: The proposed works within the front setback area allow for the provision of landscaping of a scale and density commensurate with the bulk and scale of the proposed additions to the dwelling.

3: Minimise the impact of development on the streetscape:

Comment: The area of non compliance is considered to be minimal and will not impact on the streetscape. Further, the proposed works provide a generally consistent pattern of development with regard to the front building setbacks, and as such, the proposal will not result in any visually prominent element.

4: Maintain the visual continuity and pattern of buildings, front gardens and landscape elements:

Comment: The proposed front setback is generally consistent with the existing pattern of development within the established streetscape.

Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 483sqm

Detail existing onsite structures:

None No
Dwelling Yes
Detached Garage No
Detached shed No
Swimming pool No
Tennis Court No
Cabana No
Other

Site Features:

None Yes
Trees Yes
Under Storey Vegetation No
Rock Outcrops No
Caves No
Overhangs No
Waterfalls No

Bushfire Prone?

No

Flood Prone?

No

Affected by Acid Sulfate Soils

No

Located within 40m of any natural watercourse?

No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

No

Located within 100m of the mean high watermark?

No

Located within an area identified as a Wave Impact Zone?

No

Any items of heritage significance located upon it?

No

Located within the vicinity of any items of heritage significance?

No

Creeks / Watercourse No

Aboriginal Art / Carvings No
Any Item of / or any potential item of heritage significance No

Potential View Loss as a result of development

Yes - Not unreasonable

If Yes where from (in relation to site):

North

View of:

Ocean / Waterways Yes
Headland No
District Views Yes
Bushland Yes

Located within an area identified as potential land slip?

Yes No

Is the development Integrated?

No

Does the development require concurrence?

No

Is the site owned or is the DA made by the "Crown"?

No

Have you reviewed the DP and s88B instrument?

Yes

Does the proposal impact upon any easements / Rights of Way?

No

Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	Yes
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	No If yes provide detail:

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

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 Environmental Plan 2009 and the relevant codes and policies of Council and the proposed development is considered to be Satisfactory .

Recommendation:

That Development Application No. DA2010/1239 for alterations and additions to a dwelling house at 95 Essilia Street, Collaroy Plateau, be approved subject to the following conditions.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

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:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
GR09076.D, Sheets 1 of 9 and 4 of 9 to 9 of 9	30/07/10	Ken Jones

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

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

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia	Response Energy Aust Referral	18/08/08

(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 External Department, Authority or Bodies. (DACPLB02)

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

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

Reason: Legislative Requirement. (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

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

5. Compliance with Standards

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

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (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**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website www.hreoc.gov.au/disability_rights/buildings/good.htm.
<www.hreoc.gov.au/disability%20rights%20/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.)

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)

6. External Colours and Materials (Dwellings)

External Roofing

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

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC03)

7. Sewer / Water Quick check

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)

8. Bonds

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.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. 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)

10. 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)

11. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

Existing trees which must be retained

Approval is NOT granted for the removal of the following trees:

All trees not listed as exempt or noxious in Warringah.

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

12. 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. (DACLAE03)

[illegible]

NOTES:

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT AND THE RELEVANT PARTS OF THE 2019 NATIONAL BUILDING REGULATIONS (NBR).

2. THE DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT AND THE RELEVANT PARTS OF THE 2019 NATIONAL BUILDING REGULATIONS (NBR).

3. THE DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT AND THE RELEVANT PARTS OF THE 2019 NATIONAL BUILDING REGULATIONS (NBR).

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5. THE DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT AND THE RELEVANT PARTS OF THE 2019 NATIONAL BUILDING REGULATIONS (NBR).

CLIENT: J RAMSHAW

PROJECT: ALTERATIONS & ADDITIONS

LOCATION: LOT 1 House No. 95
ESSILIA STREET
COLLARROY PLATEAU
DP 627407

DATE: 30 - 07 - 10

DRAWN BY: G.B.F.

DWG No: GR0076.D

SHEET No: 9 of 9

KEN JONES
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NORTH ELEVATION

SCALE 1:100