

3.2 9C Rayner Avenue, Narraweena – Construction of a Dwelling

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer: Michael Edwards
Address / Property Description: Lot 1 DP 1147320
No.9C Rayner Avenue, Narraweena
Proposed Development: Construction of a dwelling

Development Application No: DA2010/0866
Application Lodged: 04/06/2010
Plans Reference: 12-1509 N1, A1-A8, S1-S7
Amended Plans: NO
Applicant: A M Mandlik, T M Hart
Owner: A M Mandlik, T M Hart

Locality: E2 Dee Why Lagoon Suburbs
Category: Category 1 (housing)
Draft WLEP 2009 Permissible or Prohibited Land use: Permissible
Variations to Controls (CI.20/CI.18(3)): Side Boundary Envelope
Referred to ADP: YES (More than 2 unresolved objections)
Referred to WDAP: NO
Land and Environment Court Action: NO

SUMMARY

Submissions: YES – 4 submissions
Submission Issues: Landfill, external colours and finishes, context of the surrounding dwellings, compliance with Built Form Controls, Stormwater disposal, privacy, overshadowing, glare and reflection, boundary fencing, removal of trees.
Assessment Issues: Compliance with Built Form Controls (Side Boundary Envelope)
Recommendation: Approval – subject to conditions
Attachments: Site and Elevation Plans

LOCALITY PLAN (not to scale)



Subject Site: Lot 1 DP 1147320
No.9C Rayner Avenue, Narraweena

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 11 adjoining land owners and occupiers (notice was sent to last known address) for a period of 14 calendar days commencing on 11/6/2010 and being finalised on 28/6/2010.

SITE DESCRIPTION

The subject site has a registered title of Lot 1 in DP 1147320, commonly known as No.9C Rayner Avenue, Narraweena, located off a battle-axe driveway off the northern side of Rayner Avenue.

The site in total comprises an area of 625.9sqm, is rectangular in shape and has a north-south orientation.

The site has a southern boundary measuring 18.41m, a northern rear boundary measuring 18.41m, a western side boundary measuring 34.0m and an eastern side boundary measuring 34.0m.

The site is predominantly flat, with a level building platform. The site falls approximately 2.3m from the south-western front corner to the north-eastern rear corner.

Currently, the subject site is vacant and does not contain any structures. The subject site is provided with an existing driveway with a right-of-carriageway over No.9B Rayner Avenue.

Council records do not reveal any site burdens or constraints over the subject site.

SITE HISTORY

2010 Development Application No.DA2010/0372 for the 'construction of a dwelling house' was lodged, but later withdrawn from Council due to inadequate stormwater details.

PROPOSED DEVELOPMENT

This application proposes the construction of a two storey detached style dwelling house with an integrated double garage. Currently, driveway access is provided to the southern 'front' boundary of the subject site and the application proposes the further extension of the driveway to the dwelling house with the provision of a vehicle turning bay.

A retaining wall is also proposed within the north-eastern corner of the site to enable filling of the site to a maximum depth of 1.5m to enable a level building platform.

AMENDMENTS TO THE SUBJECT APPLICATION

There are no amendments to the subject application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979;
- b) Environmental Planning and Assessment Regulations 2000;
- c) State Environmental Planning Policy – Building Sustainability Index (SEPP BSI);
- d) State Environmental Planning Policy – Infrastructure;
- e) State Environmental Planning Policy No. 55 – Remediation of Land;
- f) Warringah Local Environmental Plan 2000;
- g) Warringah Development Control Plan;
- h) Section 94A Developer Contributions Plan; and
- i) Draft Warringah Local Environmental Plan 2009.

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 11 adjoining land owners and occupiers (notice was sent to last known address) for a period of 14 calendar days commencing on 11/6/2010 and being finalised on 28/6/2010.

A total of 4 submissions were received in response to the application (2 were generated from 1 property and 1 submission related to two properties).

Submissions were received from the following:

Submission Received:	Address:
Barnes, P	Victor Road, Narraweena (No. withheld)
Hoffman, F&C & Geracitano, R&J	No.13 Rayner Avenue, Narraweena & No.15 Rayner Avenue, Narraweena
Drinan, G&A (x2)	No.110A Victor Road, Narraweena

Discussion of the relevant issues raised in the submissions received is provided as follows:

i) Landfill

The concern is that the proposed land filling of the subject site will raise the dwelling which then results in non-compliances with Built Form Controls and that the proposed landfill is not in response to providing a level building platform, rather to maximise the views from the site.

Further, that the proposed fill is located over a previous swimming pool and concern is raised in that the swimming pool was only partially demolished and filled with unknown material and has the potential to cause landslip.

Response: The subject site has a cross fall of approximately 4.580m from the south western 'front' corner to the north-eastern rear corner. In this regard, the site is not considered to be constrained by topography apart from a low to moderate slope from front to rear. Council's GIS system does not identify the subject site as being subject to potential landslip.

The application proposes the partial excavation of the site to an approximate maximum depth of 1.5m on the western elevation to provide a level building platform.

The area of landfill is confined towards the north-eastern rear corner of the site where the topography falls approximately 1.5m over a distance of approximately 4.5m. While the development proposes the landfill of this area to a maximum depth of 1.5m, the maximum area of landfill is right on the northern boundary (to a depth of 900mm) and is further terraced which provides a gradual stepping of the site to minimise the visual impact on the northern and eastern boundaries. At the location of the dwelling footprint, the application proposes the landfill to a maximum depth of 1.0m.

The dwelling results in non-compliance with the Side Boundary Envelope Built Form Control, however the extent of the non-compliance is not considered to be the result of the raised building platform from the landfill. The finished height of the dwelling also provides numerical compliance with the Building Height Built Form Control and as such, is considered to fit comfortably within the permissible building envelope.

Accordingly, the extent of the landfill is not considered excessive and does not result in significant non-compliances which result in consequences on adjoining and surrounding properties. Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

ii) External colours and finishes

Concern is raised over the proposed external colours and finishes in that the objector claims that there is insufficient information available to confirm the proposed external colours and finishes.

Response: The application was accompanied by a colour and material schedule, (drawing No. 12-1509 N1, dated 15/2/2010, prepared by Robert Gardner Consulting) which indicates the proposed external colours and finishes of the dwelling.

The dwelling proposes medium to dark colours of earthy tones which will complement the natural environment.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

iii) Context of the surrounding dwellings

Concern is raised in that the proposed dwelling does not provide visual consistency with the streetscape and surrounding dwellings in that the dwelling does not blend, enhance or take into consideration the current context of surrounding dwellings.

Response: The streetscape is characterised by a variety of built forms, generally two stories in height. While the proposed dwelling provides a differing architectural style to that of the surrounding dwellings, the overall built form by virtue of its height, bulk and scale, is consistent with the established pattern of development.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

iv) Compliance with Built Form Controls

Concern is raised in that the proposed dwelling results in non-compliance with the Side Boundary Envelope, Landscaped Open Space and Side Setback Built Form Controls and as a result, the objector contends that the dwelling presents as a visually bulky dwelling and is an overdevelopment of the site. The objector also contends that the dwelling is visually bulky due to the deficiency of any articulation in the dwelling.

Response: The dwelling's numerical compliance with the Built Form Controls is demonstrated in the Built Form Controls table of this report, which demonstrates that the dwelling results in non-compliance with the Side Boundary Envelope only. The merit of the non-compliance is addressed under the Clause 20 Variations section of this report, which concludes that the variation does not result in any unreasonable visual bulk or scale, nor unreasonable impacts to the amenity of adjoining properties.

The proposed development also provides an area of 47.3% landscaped open space which demonstrates that the proposed dwelling is not an overdevelopment of the site.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

v) Stormwater disposal

Concern is raised with regards to the collection and disposal of stormwater. The concern is that the proposed development will result in an increase in stormwater runoff and the objector contends that this will cause considerable flooding to neighbouring properties.

Response: The development exceeds Council's impervious surface area and therefore requires an On-site Stormwater Detention System (OSD). An OSD design has been submitted to Council and considered by Council's Development Engineers to be satisfactory.

In this regard, it is considered that stormwater runoff will be appropriately collected and disposed of from the subject site.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

vi) Privacy

The objector contends that the dwelling will result in opportunities for unreasonable overlooking from the eastern elevation of the proposed dwelling to the habitable rooms and private open space of No.110A Victor Road.

Response: The assessment under Clause 65 'Privacy' of the General Principles of Development Control, demonstrates that the proposed dwelling will not result in any unreasonable loss of visual privacy. No.110A Victor Road sits lower than the subject site and there is approximately 27.0m separation between the dwellings. There is also dense vegetation between dwellings so as to ameliorate any direct overlooking.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

vii) Overshadowing

Concern is raised in that the proposed dwelling will result in substantial overshadowing of the neighbouring properties which the objector contends will impact on their amenity.

Response: The assessment under Clause 62 'Access to Sunlight' under the General Principles of Development Control, demonstrates that the proposed dwelling will maintain an equitable and compliant provision of solar access to the rear of No.110A Victor Road.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

viii) Glare and reflection

Concern is raised in that the proposed dwelling involves windows for the full length of the eastern elevation on the upper storey which will result in solar reflections and glare into No.110A Victor Road.

Response: The windows on the eastern elevation of the upper storey are recessed 1.8m behind the eave overhang. The deep eave overhang will ameliorate excessive glare and reflections.

Further, the dwelling at No.110A Victor Road is located approximately 27.0m away from the proposed dwelling and is separated by dense vegetation. In this regard, there will be no unreasonable impact on the amenity of No.110A Victor Road from glare and reflection.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

ix) Boundary fencing

Concern is raised that the proposed retaining walls along the eastern property boundary will raise the natural ground level and when compounded with a boundary fence atop of the retaining wall, will present as a visually dominant structure when viewed from the neighbouring properties.

Response: The proposed retaining walls are confined to the north-eastern rear corner of the site and are 'terraced', stepping down the site so as to reduce excessive height on the boundary. The application does not propose the erection of boundary fencing and it is considered that were boundary fencing to be erected, it would be located on the property boundary and not atop the retaining walls.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

x) Removal of trees

Concern is raised over the proposed removal of a Brush Box tree located at the north-eastern rear corner of the site. The objector contends that this tree provides for amenity and habitat and is the only natural feature that balances the size of the proposed dwelling.

Response: The application is accompanied with a Landscape Plan (drawing No.12-1509 S7 dated 15/2/2010 and prepared by Robert Gardner Consulting) which demonstrates that a quality landscaped setting will be achieved through tree planting which will balance the removal of the existing trees.

Accordingly, this issue does not warrant amendment to the proposed development or refusal of the application.

MEDIATION

Has mediation been requested by the objectors?

No

LAND AND ENVIRONMENT COURT ACTION

No appeal has been lodged with the NSW Land and Environment Court.

REFERRALS

A summary of the relevant comments is provided as follows:

External Referrals

Energy Australia

No objection was raised in relation to the proposed works, subject to conditions of consent which will be imposed should this application be recommended for approval.

Internal Referrals

Development Engineers

No objection was raised in relation to the proposed works, subject to conditions of consent which will be imposed should this application be recommended for approval.

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	Refer to discussions on "State Environmental Planning Policy No. 55 – Remediation of Land, "State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004", "State Environmental Planning Policy (Infrastructure) 2007" and "WLEP 2000" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Refer to discussions on Draft Environmental Planning Instruments as contained in this report.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan is applicable to this application and the relevant provisions are considered in this report.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	Clause 98 of the EPA Regulations 2000 requires the consent authority to impose a condition requiring compliance with the Building Code of Australia. Accordingly, appropriate conditions of consent are recommended for imposition should this application be recommended for 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) 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) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The subject site is of sufficient size to accommodate a detached style residential dwelling and is located within a locality characterised by detached style dwelling houses. The proposed dwelling provides a built form which is generally consistent with the established pattern of development and although the proposed development involves partial excavation and filling of the site, the site is not considered topographically constrained. Accordingly, for these reasons, the site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	In regards to public submissions refer to the discussion on "Notification & Submissions" as contained within this report.
Section 79C (1) (e) – the public interest	The proposed development is a permissible land use within the locality and provides a built form that is consistent with the established pattern of development. The merit of the development is considered under the Built Form Controls, Desired Future Character and General Principles of Development Control sections of this report which concludes that the proposed dwelling will not result in any unreasonable impacts on adjoining properties. For these reasons, the proposed dwelling is considered to be in the public interest.

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

Principal Development Standards:

Development Standard	Required	Proposed	Complies
Minimum Subdivision Lot Size:	600sqm	No alteration to the existing	Not applicable
Height of Buildings:	8.5m	8.1m (measured at centre of dwelling)	Complies.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

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 consistently used for residential purposes for a significant period of time. There is no evidence to indicate that the land is contaminated and as such, no further consideration under Clause 7(1)(b) and (c) of SEPP 55 is required. Therefore, the land is suitable for the continued residential use.

State Environmental Planning Policy – Building Sustainability Index (SEPP BSI)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) applies to the development.

A BASIX Certificate has been submitted with the application. The certificate confirms that the proposed development meets the NSW government's requirements for sustainability. The development meets the water and energy performance targets and achieves a pass for thermal comfort. The imposition of conditions have been included on the draft consent to ensure compliance with the commitments listed in the BASIX certificate.

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

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

Regional Environmental Planning Policies

There are no Regional Environmental Planning Policies applicable to this application.

STATUTORY CONTROLS

Warringah Local Environmental Plan 2000

Desired Future Character – E2 Dee Why Lagoon Suburbs

The subject site is located in the E2 Dee Why Lagoon Suburbs Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

'This locality will remain characterised by detached style housing and a small pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing within the locality will be confined to the "medium density areas" shown on the map. The land occupied by the Dee Why Bowling Club at Lot 32 DP 868310, land occupied by the Manly Warringah Soccer Club at Lot 9 DP 793604 and land occupied by the Evergreen Tennis Centre at Lot 61 DP 611195 will continue to be used only as recreation facilities.

Outside the "medium density areas", 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 spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops, remnant bushland and natural watercourses will be preserved. Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

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.'

The proposed development is defined as 'housing' according to the WLEP 2000 Dictionary. 'Housing' is classified as Category 1 development in this locality.

Clause 12(3)(a) states that the Consent Authority must consider the Desired Future Character described in the relevant Locality Statement.

However, as the proposed works involve variations to Built Form Controls, Clause 20 requires a higher consistency test of the development against the Desired Future Character (DFC) Statement and must be consistent with the DFC.

Accordingly, an analysis of the various relevant components of the Desired Future Character of the E2 Dee Why Lagoon Suburbs Locality is as follows:

'This locality will remain characterised by detached style housing and a small pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing within the locality will be confined to the "medium density areas" shown on the map. The land occupied by the Dee Why Bowling Club at Lot 32 DP 868310, land occupied by the Manly Warringah Soccer Club at Lot 9 DP 793604 and land occupied by the Evergreen Tennis Centre at Lot 61 DP 611195 will continue to be used only as recreation facilities.'

Response: The development proposes the construction of a detached style dwelling house comprising two storeys and set within a quality landscaped setting. In this regard, the proposed dwelling will maintain consistency with the established pattern of development.

‘Outside the “medium density areas”, 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.’

Response: Currently, the subject site together with the southern adjoining site (No.9B Rayner) is vacant and is located off a battle-axe driveway. Notwithstanding, the proposed dwelling will provide a consistent pattern of development, providing consistent setbacks and a landscaped setting.

‘The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops, remnant bushland and natural watercourses will be preserved. Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.’

Response: The site is not considered to be topographically constrained apart from a low to moderate slope from the front to rear and does not contain any significant natural features. Although the development proposes the removal of trees, the landscape plan submitted with the application demonstrates that a quality landscaped setting will be achieved through new landscape plantings with a variety of trees and shrubs.

‘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.’

Response: Not applicable.

Built Form Controls for Locality E2 Dee Why Lagoon Suburbs

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed	Compliance Comment	Compliance
Building Height Metres	8.5m	8.1m measured at centre of the dwelling	Complies	YES
Building Height: Natural ground to upper ceiling (metres)	7.2m	7.0m measured at centre of the dwelling	Complies	YES
Front Setback	6.5m	Not applicable as the subject site is located off a battleaxe allotment and does not have a typical ‘front’ boundary.	Not applicable	Not applicable
Housing Density	1/600sqm	No alteration to existing.	Not applicable	Not applicable
Landscaped Open Space	40% of site	47.2%, (295.3sqm)	Complies	YES
Rear Setback	6.0m	6.5m	Complies	YES

Built Form Standard	Required	Proposed	Compliance Comment	Compliance
Side Boundary Envelope	4m / 45 degrees	<i>Eastern elevation</i> Non-compliance to the eave overhang <i>Western elevation</i> Non-compliance to the upper portion of the first floor ranging from 400mm to 1.2m for a length of 17.4m	See assessment for variation under Clause 20 of WLEP 2000.	NO
Side Setbacks	Min 900mm.	<i>Eastern elevation</i> Minimum – 900mm to upper floor Maximum – 2.1m to ground floor <i>Western elevation</i> Minimum – 2520mm Maximum – 3.7m to ground floor	See assessment for variation under Clause 20 of WLEP 2000.	YES

Clause 20 – Variation to Built Form Controls

Pursuant to Clause 20 of WLEP 2000, consent may be granted to proposed development notwithstanding that the development does not comply with one or more of the abovementioned development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant Statement Environmental Planning Policies.

Does the Proposal Qualify for a Clause 20 Variation?

In determining whether the proposal qualifies for a Clause 20 variation under 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 (refer to General Principles table in the Assessment Report for a detailed assessment of compliance with the General Principles.)

(ii) Desired Future Character of the Locality

The subject site is located within the E2 Dee Why Lagoon Suburbs Locality, which, in the locality of the subject site, is characterised by residential uses. The proposal is considered to be consistent with the Desired Future Character of the locality due to its residential character in conjunction with the proposal having a similar bulk, scale and form of adjoining and surrounding development, further, maintaining the landscaped setting of the locality. As such, the proposal is considered to satisfy this component of Clause 20. (Refer to discussion in assessment report on consistency with the DFC.)

(iii) Relevant State Environmental Planning Policies

The provisions of the relevant State Environmental Planning Policies have been considered in the assessment of the application and considered satisfactory. Accordingly, the proposal satisfies this criterion of Clause 20.

Description of variations sought and reasons provided:

Side Boundary Envelope

Required: 4.0m with inward projecting planes at 45 degrees.

Proposed: The dwelling results in non-compliance on the western and eastern elevations and is confined to the upper most portions of the wall and roof.

Response: The following considerations have been applied in the assessment of the Side Boundary Envelope Built Form Control:

Ensure that development does not become visually dominant by virtue of its height and bulk.

Comment: The proposed dwelling has a finished height of 8.1m and is lower than the maximum allowable building height.

The dwelling has an articulated form, with the upper storey providing a larger building footprint than the ground floor. While this is not a typical design feature of dwellings in the locality, the dwelling is well modulated and will provide visual interest together with minimising visual dominance by virtue of bulk and scale.

On the eastern elevation, the non-compliance is confined to the eave overhang of the roof form only and allows for a sense of openness and articulation by virtue of the fenestration and the smaller footprint of the ground floor level. On the western elevation, the non-compliance ranges from a maximum of 1.2m, decreasing to 400mm. This non-compliance is not considered to contribute to excessive building bulk or scale.

Preserve the amenity of the surrounding land.

Comment: The areas of non-compliance do not directly contribute to overshadowing and do not result in any opportunities for overlooking.

Ensure that development responds to site topography.

Comment: At the location of the proposed dwelling, the subject site is predominantly level. The non-compliance with the side boundary envelope is the result of the architectural style and form, not due to the site topography.

Provide separation between buildings and create a sense of openness.

Comment: The design of the dwelling results in a greater side setback being provided to the ground floor, and a lesser setback to the upper storey. Notwithstanding, the dwelling provides numerically compliant side setbacks to both upper and ground floors. The articulation and modulation to the side elevations of the dwelling provide visual interest and will maintain an appropriate sense of building separation and openness.

Clause 20 Variation – Supported

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	YES	Standard conditions of consent will ensure that the roof finish be within the medium to dark colour range to reduce any likelihood of glare overspill from the proposed metal sheet cladding to the new roof elements. The eastern elevation of the upper storey is comprised of floor to ceiling glass windows. While this element has the potential for glare and reflection, given the topography of the subject site and adjoining allotments, there will be no unreasonable or direct impact on adjoining properties. Accordingly, the proposal is considered to satisfy this General Principle.	YES, subject to conditions
CL39 Local retail centres	NO	No comment	Not applicable
CL41 Brothels	NO	No comment	Not applicable
CL42 Construction Sites	YES	Conditions of consent would adequately address the construction requirements associated with the building works proposed on the site. Accordingly, the proposal satisfies this General Principle.	YES, subject to conditions
CL43 Noise	NO	No comment	Not applicable
CL44 Pollutants	NO	No comment	Not applicable
CL45 Hazardous Uses	NO	No comment	Not applicable
CL46 Radiation Emission Levels	NO	No comment	Not applicable
CL47 Flood Affected Land	NO	No comment	Not applicable
CL48 Potentially Contaminated Land	NO	No comment	Not applicable
CL49 Remediation of Contaminated Land	NO	No comment	Not applicable
CL49a Acid Sulfate Soils	NO	No comment	Not applicable
CL50 Safety & Security	YES	The subject site is located off an access handle and does not provide direct street frontage. Notwithstanding, the design of the dwelling provides opportunities for passive casual surveillance. Accordingly, the proposal satisfies this General Principle.	YES
CL51 Front Fences and Walls	NO	No comment	Not applicable
CL52 Development Near	NO	No comment	Not

General Principles	Applies	Comments	Complies
Parks, Bushland Reserves & other public Open Spaces			applicable
CL53 Signs	NO	No Comment	Not applicable
CL54 Provision and Location of Utility Services	YES	The subject site is currently vacant however previously accommodated a detached dwelling house. In this regard, the site is afforded existing connections to utility services and the proposed dwelling will make connection to such services. Accordingly, the proposed development satisfies this General Principle.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No comment	Not applicable
CL56 Retaining Unique Environmental Features on Site	NO	No comment	Not applicable
CL57 Development on Sloping Land	NO	No comment	Not applicable
CL58 Protection of Existing Flora	YES	The landscape plan submitted with this application demonstrates that a quality landscaped setting will be achieved on the site. Accordingly, the proposed development satisfies this General Principle.	YES
CL59 Koala Habitat Protection	NO	No comment	Not applicable
CL60 Watercourses & Aquatic Habitats	NO	No comment	Not applicable
CL61 Views	YES	The subject site is located on a hillside. Currently, there are no views obtained from the subject site, however there will be opportunity for ocean views from the proposed two storey dwelling. The dwelling at No.9A Rayner Avenue is situated towards the front of the subject site, being predominantly in-line with the front vacant allotment (No.9B). In this regard, the proposed dwelling will not unreasonably impact on views obtained from No.9A. Similarly, the dwellings at Nos.11-17 Rayner Avenue, are situated higher than the subject site and are afforded a view corridor over the subject site and will not be unreasonably impacted by the proposed two storey dwelling. Accordingly, the proposed development satisfies this General Principle.	YES
CL62 Access to sunlight	YES	A submission of objection was received from No.110A Victor Road. The objector contends that the proposed dwelling will result in overshadowing of the private open spaces and habitable portions of the dwelling. It is noted that the dwelling at No.110A Victor Road is approximately 27.0m away from the proposed dwelling. The shadow diagrams submitted with this application demonstrates that the dwelling retains a reasonable and equitable level of sunlight to both the subject site and the	YES

General Principles	Applies	Comments	Complies
		adjoining properties with no less than 2 hours of sunlight between 9am and 3pm on 21st June. Accordingly, the proposal is considered to satisfy this General Principle.	
CL63 Landscaped Open Space	YES	The areas identified as landscaped open space are adequate in dimension for the further establishment of landscape plantings that are of a scale and density commensurate with the building height, bulk and scale of the proposed dwelling. The landscape plan submitted with this application, demonstrates that a quality landscaped setting will be achieved which provides functional areas for recreational use by the occupants and provide an appropriate landscaped setting. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL63A Rear Building Setback	YES	The dwelling proposes a rear setback of 6.5m. The landscape plan submitted with this application demonstrates that this area is sufficient in dimension for the accommodation of landscape plantings to provide an appropriate landscaped setting. The rear setback is also consistent with the established pattern of development and provides an area of open space which improves the sense of building separation and privacy. Accordingly, the proposal satisfies this General Principle.	YES
CL64 Private open space	YES	Approximately 120sqm is set apart for private use at the ground level, which is directly accessible from the living area. This area is afforded a compliant provision of solar access with not less than 2 hours of sunlight between 9am and 3pm on 21st June as it is oriented on the northern elevation of the dwelling. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL65 Privacy	YES	The dwelling orientates windows and areas of private open space so as to not result in unreasonable impacts to visual privacy. A submission of objection was received from No.110A Victor Road. The objector contends that the proposed dwelling will result in unreasonable impacts to visual privacy currently enjoyed. No.110A Victor Road is located approximately 27m away from the proposed dwelling. A first floor balcony is proposed on the eastern elevation and although this element introduces pedestrian activity to this portion of the site, the separation between the dwellings will mitigate any direct overlooking. Furthermore, the first floor balcony has a depth of 1800mm and is not conducive to being used for extensive outdoor entertaining. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL66 Building bulk	YES	Although the dwelling results in non-compliance with the Side Boundary Envelope Built Form Control, the architectural form of the dwelling is well modulated. The articulation to the side elevations reduces the sense of excessive building bulk and scale which will further be complimented by the landscaped setting proposed.	YES

General Principles	Applies	Comments	Complies
		The material finishes to the dwelling will provide visual interest and although different to the materials and architectural form of the surrounding dwellings, the dwelling provides an overall building bulk and scale that is consistent with the established pattern of development. Accordingly, the proposal is considered to satisfy this General Principle.	
CL67 Roofs	YES	The dwelling proposes a flat roof. The finished height of the dwelling sits below the maximum permissible building height and there is opportunity to accommodate a pitched roof form. Notwithstanding, the flat roof is considered to integrate with the contemporary architectural form and scale of the dwelling. The flat roof form is also consistent with the established pattern of development and will compliment the local skyline. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL68 Conservation of Energy and Water	YES	A BASIX Certificate was submitted with this application which demonstrates that the proposed dwelling incorporates features to achieve water and energy efficiency targets. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL69 Accessibility – Public and Semi-Public Buildings	NO	No comment	Not applicable
CL70 Site facilities	YES	The site contains adequate space for general waste and recycling storage and open air clothes drying facilities which will be suitably screened from the street and is therefore considered acceptable in this regard. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL71 Parking facilities (visual impact)	YES	The dwelling incorporates carparking facilities in the form of a double garage, integrated into the front façade of the dwelling. A hard surfaced turning area is also proposed between the southern 'front' boundary and the dwelling. As the subject site is located off an access handle, the carparking facilities will not be visually dominant when viewed from the public domain. Accordingly, the proposal satisfies this General Principle.	YES
CL72 Traffic access & safety	YES	The subject site is located off an access handle with existing vehicular access from Rayner Avenue to the southern 'front' boundary of the subject site. The proposed driveway will comply with Council's technical specifications for driveways and vehicle crossings. Accordingly, the proposal is considered to satisfy this General Principle.	YES
CL73 On-site Loading and Unloading	NO	No comment	Not applicable

General Principles	Applies	Comments	Complies
CL74 Provision of Carparking	YES	Two (2) car spaces will be provided in the proposed garage. Accordingly, the proposed development satisfies the parking requirements of Schedule 17 of Warringah LEP 2000 and this General Principle.	YES
CL75 Design of Carparking Areas	YES	The parking facilities are of sufficient internal dimensions to accommodate two (2) vehicles. The provision of a hard surfaced turning circle will allow for vehicles to manoeuvre so as to exit the site in a forward direction. Accordingly, the proposed development satisfies this General Principle.	YES
CL76 Management of Stormwater	YES	The application has been assessed by Council's Development Engineers and their recommendations incorporated in the consent conditions. (See further discussion under Referrals in this report.) Accordingly, the proposal satisfies this General Principle.	YES
CL77 Landfill	YES	This application proposes landfill towards the north-eastern rear corner of the site to provide a level building platform. The landfill proposes a maximum depth of 1.5m. The area of landfill is confined towards the north-eastern rear corner of the site where the topography falls approximately 1.5m over a distance of approximately 4.5m. While the development proposes the landfill of this area to a maximum depth of 1.5m, the maximum area of landfill is right on the northern boundary (to a depth of 900mm) and is further terraced which provides a gradual stepping of the site to minimise the visual impact on the northern and eastern boundaries. At the location of the dwelling footprint, the application proposes the landfill to a maximum depth of 1.0m. The landscape plan submitted with this application also demonstrates that a quality landscaped setting will be achieved on the site, with the introduction of landscape plantings to the terraced garden areas, providing visual screening and privacy between dwellings. Accordingly, the proposal satisfies this General Principle.	YES
CL78 Erosion & Sedimentation	YES	Conditions of consent will ensure the appropriate management of erosion and sedimentation for the duration of works on the site. Accordingly, the proposal is considered to satisfy this General Principle.	YES, subject to conditions
CL79 Heritage Control	NO	No comment	Not applicable
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No comment	Not applicable
CL81 Notice to Heritage Council	NO	No comment	Not applicable

General Principles	Applies	Comments	Complies
CL82 Development in the Vicinity of Heritage Items	NO	No comment	Not applicable
CL83 Development of Known or Potential Archaeological Sites	NO	No comment	Not applicable

SCHEDULES

A detailed assessment with regard to the provisions of the relevant Schedules of Warringah Local Environmental Plan 2000 is as follows:

Schedule 8 – Site Analysis

A Site Analysis plan was submitted as part of this application and is considered satisfactory in addressing the requirements of this Schedule.

Schedule 17 - Carparking Provision

See assessment under Clause 74 of the General Principles of this report which demonstrates the proposal's ability to satisfy the requirements of this Schedule.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The following table identifies the monetary contributions applicable and a condition of consent imposed accordingly in the Notice of Determination should this application be recommended for approval:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$ 266,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
S94A Levy	0.95%	\$2,527.00
S94A Planning and Administration	0.05%	\$133.00
Total	1.0%	\$2,660.00

OTHER MATTERS FOR CONSIDERATION

There are no other matters for consideration that are relevant in the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79(C) of the Environmental Planning and Assessment Act, 1979, the relevant Environmental Planning Instruments including Warringah Local Environmental Plan 2000, State Environmental Planning Policy No.55, State Environmental Planning Policy – Infrastructure, State Environmental Planning Policy – BASIX and the relevant codes and policies of Council.

The proposed dwelling is consistent with the Desired Future Character of this locality given the continued residential land use of the subject site and the dwelling's ability to provide a landscaped setting and built form that is consistent with the established pattern of development within the locality.

Notwithstanding the non-compliance with the Side Boundary Envelope, the dwelling is generally consistent with the Built Form Controls for the locality and the resulting built form provides visual interest through its contemporary architectural form and use of materials.

While submissions of objection have been received from a number of adjoining properties, the issues raised have been addressed within this report and do not warrant the refusal of this application.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

RECOMMENDATION (APPROVAL)

That Development Application No. DA2010/0866 for the construction of a dwelling, at Lot 1, DP 1147320, No.9C Rayner Avenue, Narraweena, 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
N1	15/2/2010	Robert Gardner Consulting
A1	15/2/2010	Robert Gardner Consulting
A2	24/5/2010	Robert Gardner Consulting
A3	24/5/2010	Robert Gardner Consulting
A4	24/5/2010	Robert Gardner Consulting
A5	24/5/2010	Robert Gardner Consulting
A6	24/5/2010	Robert Gardner Consulting
A7	24/5/2010	Robert Gardner Consulting
A8	24/5/2010	Robert Gardner Consulting
S2	24/5/2010	Robert Gardner Consulting

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
26795-H1	20/5/2010	Jack Hodgson Consultants Pty Ltd
26795-H2	20/5/2010	Jack Hodgson Consultants Pty Ltd

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

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

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
S7	24/5/2010	Robert Gardner Consulting

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	17/6/2010

(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. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$ 266,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
S94A Levy	0.95%	\$2,527.00
S94A Planning and Administration	0.05%	\$133.00
Total	1.0%	\$2,660.00

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

6. 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) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (b) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (c) AS 4970 - 2009 'Protection of trees on development sites'**
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

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

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)

7. 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)

8. Bonds

(a) *Security Bond*

A bond (determined from cost of works) of \$1,000 and an inspection fee paid as per Council's Fees and Charges 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.

(b) *Construction, Excavation and Associated Works Bond (Pollution)*

A Bond of \$500 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

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)

9. Vehicle Driveway Gradients

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility.

Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

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

10. On-site Stormwater Detention

Details, including drainage plans, demonstrating compliance with Warringah Council's "On-site Stormwater Detention Technical Specification" are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

The details are to be prepared by a suitably qualified and Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and is an Accredited Certifier (Category C4).

Note: If the details/drainage plans, when compliant with Warringah Council's "On-site Stormwater Detention Technical Specification" cause inconsistencies with other parts of an approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. 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)

13. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

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

14. 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)

15. House / Building Number

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

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

Reason: Proper identification of buildings. (DACPLF04)

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

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

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

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

17. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land. (DACENF02)

18. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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 modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

19. On-Site Stormwater Detention Compliance Certification

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

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

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

20. Positive Covenant for On-site Stormwater Detention

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

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

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

21. Creation of Positive Covenant and Restriction as a User

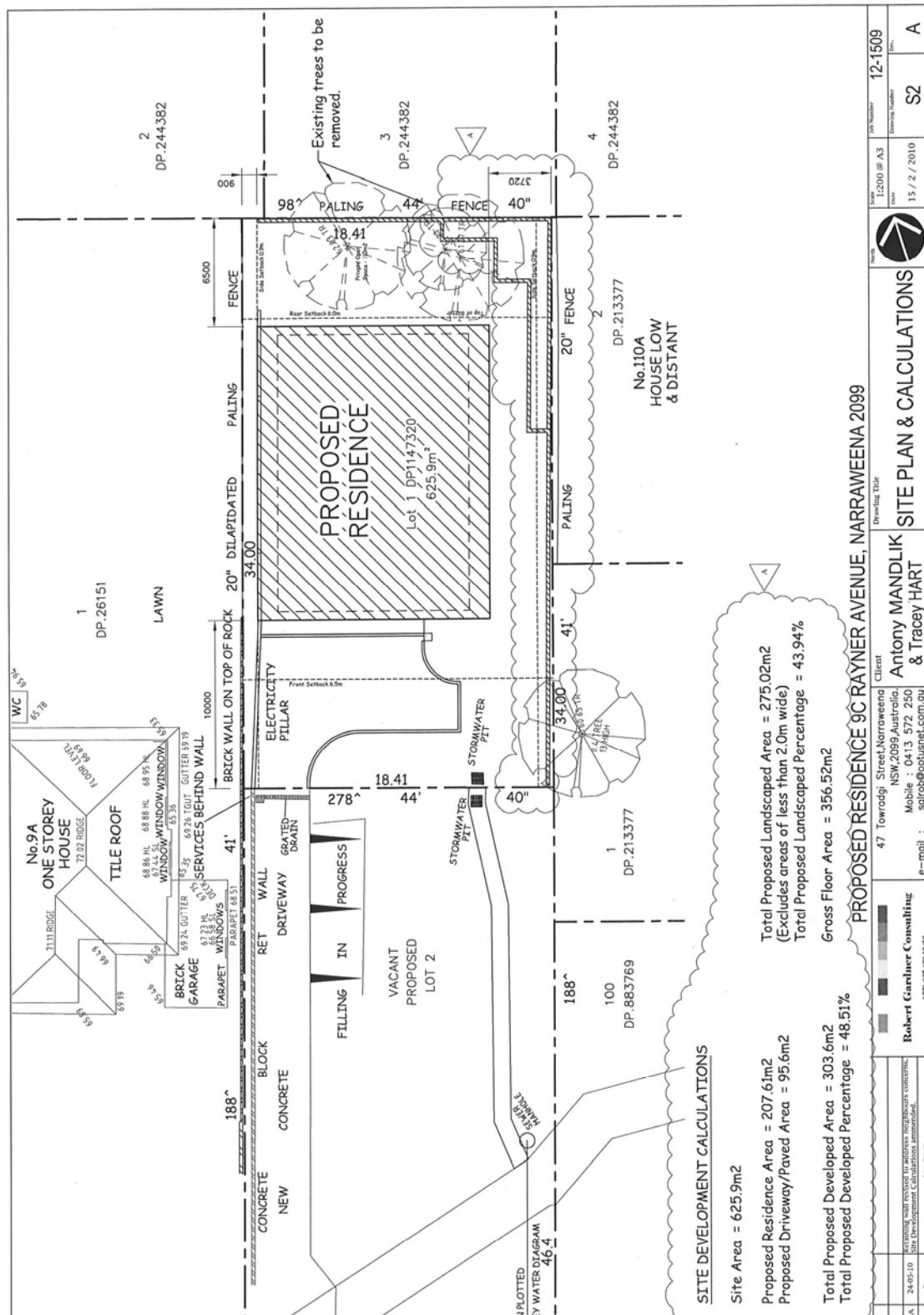
Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

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

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

Reason: To identify encumbrances on land. (DACENF14)

Site and Elevations Plans



Provide and Install new Powder-Coated Aluminium Windows
Frame Colour and Style as selected by Owners.

PARAPET LEVEL RL 69.25
CEILING LEVEL

UPPER FLOOR RL 65.9
CEILING LEVEL

GROUND FLOOR RL 62.8

NORTHERN ELEVATION

Boundary

Cor-ten weathered steel Cladding

Rendered Blockwork

Finished Ground Level

Natural Ground Level

Provide and Install new Powder-Coated Aluminium Door
Frame Colour and Style as selected by Owners.

GROUND FLOOR RL 62.8

SOUTHERN ELEVATION

Boundary

Cor-ten weathered steel Cladding

Finished Ground Level

Natural Ground Level

Automatic Panel lift door
Cor-Ten weathered steel Cladding

Selected Stone Cladding

GARAGE FLOOR RL 62.7

UPPER FLOOR RL 65.9
CEILING LEVEL

PARAPET LEVEL RL 69.25
CEILING LEVEL

PROPOSED RESIDENCE, 9C RAYNER AVENUE, NARRAWEENA, 2099.

Client
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Robert Gardner Consulting
ANNEX 333 3430

Drawn By
Antony Mandlik
& Tracey Hart

Scale
1:100 @ A3

Date
15 / 2 / 2010

Job Number
12 - 1509

Drawing Number
A4

Sheet
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Site and Elevations Plans

