

3.1**8 Coastview Place Freshwater – Alterations and Additions to a residential flat building and change of use to a dwelling house with attached granny flat****RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT**

DA No. DA2010/1191

Assessment Officer: Alex McDougall

Property Address: Lot 202 DP 1126065, 8 Coastview Place FRESHWATER NSW 2096

Proposal Description: Alterations and Additions to a residential flat building and change of use to a dwelling house with attached granny flat.

Plan Reference:

Drawing Number	Dated	Prepared By
2008.10:DA1,DA3-DA7 Rev A	30/07/2010	Humel Architects Pty Ltd

Proposal in Detail

The proposed alterations and additions are detailed as follows:

- Convert existing three (3) unit residential flat building to housing (single dwelling with granny flat); and
- New first floor addition to existing building; and
- Minor internal modification to existing

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 2 – Issues Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 3 – Site Inspection Analysis	☒ Yes ☐ No	☒ Yes ☐ No
Section 4 – Application Determination	☒ Yes ☐ No	☒ Yes ☐ No

Estimated Cost of Works: \$ 148,000.00

Are S94A Contributions Applicable?

☒ Yes ☐ No

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$ 148,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.45%	666.00
S94A Planning and Administration	0.05%	74.00
Total	0.5%	\$740

Notification Required?

Yes ☒ Yes ☐ No

Period of Public Exhibition? ☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A
Submissions Received? ☒ Yes ☐ No

No. of Submissions: 1

Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: F5 Curl Curl

Development Definition: ☒ Housing ☐ Ancillary Development to Housing ☐ Other

Category of Development: ☒ Category 1 ☐ Category 2 ☐ Category 3

Draft WLEP 2009 Permissible or Prohibited Land use:

Desired Future Character:

☐ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement? ☐ Yes ☐ No

☒ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:	
Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: ☒ 8.5m ☐ 11.0m ☐ Other	☐ Existing and unchanged Proposed: 10.8m Complies: ☐ Yes ☒ No Comment: See Clause 20.
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No	☐ Existing and unchanged Proposed: 10.5m

Built Form Controls:	
Requirement: ☒ 7.2m ☐ Other	Complies: ☐ Yes ☒ No Comment: See Clause 20.
Front Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.5m (to Coastview Place) ☐ Other Is the Corner Allotment / Secondary Street Frontage control applicable?: ☒ Yes ☐ No Requirement: ☒ 3.5m (to Dick Street) ☐ Other	☒ Existing and unchanged Proposed: 23.7m (to proposal) Complies: ☒ Yes ☐ No Corner Allotment: ☒ Existing and unchanged Proposed: 13.7m Complies: ☒ Yes ☐ No
Housing Density: Applicable: ☒ Yes ☐ No Requirement: ☒ 1 dwelling per 450sqm ☐ 1 dwelling per 600sqm ☐ Other	☐ Existing and unchanged Proposed: 1 dwelling / per 1040 sqm Complies: ☒ Yes ☐ No
Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% (416sqm) ☐ 50% (.....sqm) ☐ Other	☒ Existing and unchanged Proposed: 58.9% (612.3sqm) Complies: ☒ Yes ☐ No

Built Form Controls:	
Rear Setback: Applicable: ☐ Yes ☒ No (dual street frontage) Requirement: ☐ 6.0m ☐ Other Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged Proposed: m Complies: ☐ Yes ☐ No Outbuildings: ☐ Existing and unchanged Proposed:% Complies: ☐ Yes ☐ No
Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: ☐ 4m / 45 degrees ☒ 5m / 45 degrees ☐ Other	Boundary: ☒ Nth ☐ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Fully within Envelope: ☒ Yes ☐ No Minor Breach: ☐ Yes ☒ No Complies: ☒ Yes ☐ No Boundary: ☐ Nth ☒ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Fully within Envelope: ☐ Yes ☒ No Minor Breach: ☒ Yes ☐ No Complies: ☐ Yes ☒ No Comment: See Clause 20.
Side Setbacks: Applicable: ☒ Yes ☐ No ☒ 900mm ☐ 4.5m	Boundary: ☒ Nth ☐ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed: 2.6m Complies: ☒ Yes ☐ No

Built Form Controls:	
☐ Other	Boundary ☐ Nth ☒ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed: 0.5m Complies: ☐ Yes ☒ No Comment: See Clause 20.

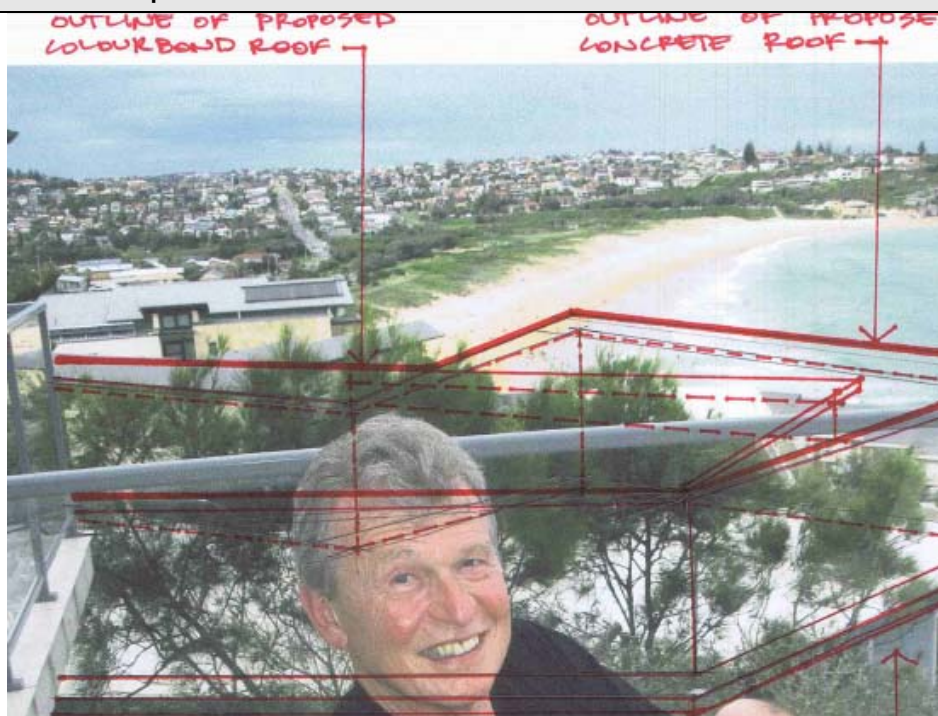
General Principles of Development Control:	
CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No
CL39 Local retail centres Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL40 Housing for Older People and People with Disabilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL41 Brothels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL42 Construction Sites Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No
CL43 Noise Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal is not expected to result in noise impacts beyond the reasonable expectations of adjoining residents in a built up residential area. Notwithstanding, a condition is recommended that no mechanical equipment be permitted to exceed ambient background noise by more than 5db when measured from a property boundary.
CL44 Pollutants	Complies:

General Principles of Development Control:	
Applicable: ☐ Yes ☒ No	☐ Yes ☐ Yes , subject to condition ☐ No
CL45 Hazardous Uses Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL46 Radiation Emission Levels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL47 Flood Affected Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL48 Potentially Contaminated Land Applicable: ☒ Yes ☐ No	Complies: Based on the previous land uses if the site likely to be contaminated? ☐ Yes ☒ No Is the site suitable for the proposed land use? ☒ Yes ☐ No The site has historically been used for residential purposes. Based on both a site inspection and investigation of records available to Council there is no evidence to suggest that the site is contaminated.
CL49 Remediation of Contaminated Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL49a Acid Sulfate Soils Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL50 Safety & Security Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development will result in increased passive surveillance to Coastview Place by increasing the view of the street from new first floor windows. As such, the proposal is considered to satisfy Clause 50.

General Principles of Development Control:	
CL51 Front Fences and Walls Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL53 Signs Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL54 Provision and Location of Utility Services Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal, being on a site currently containing a residential dwelling, will benefit from existing service from all necessary forms of utilities. As such, the proposal is considered to satisfy Clause 54.
CL55 Site Consolidation in 'Medium Density Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL56 Retaining Unique Environmental Features on Site Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal is within the confines of the existing building footprint. The design has no impact on the unique environmental features on the site. As such, the proposal is considered to satisfy Clause 56.
CL57 Development on Sloping Land Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The subject site exhibits a steep slope. The slope within the existing building footprint is approximately 26%. However, the proposed alterations and additions are wholly within the existing building footprint. No excavation or fill is proposed as a result of the proposed development and the subject site is not identified as being subject to landslip on Council's Landslip Hazard Map. Additionally, the new level is set mostly above the high side of the site to allow the building to step down the hill. As such the proposal is considered to satisfy Clause 57.

General Principles of Development Control:	
CL58 Protection of Existing Flora Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal is within the confines of the existing building footprint. As such, the design has no impact on existing vegetation. As such, the proposal is considered to satisfy Clause 58.
CL59 Koala Habitat Protection Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL60 Watercourses & Aquatic Habitats Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL61 Views Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No On 6 July 2010 Council's Development Assessment Officer conducted a site inspection from 8 Coastview Place including within the surrounding properties and the adjoining and nearby Council road reserve. The site inspection revealed that the neighbouring property will experience view loss as a result of the proposed development, due to the location and height of the proposed alteration and additions at No 8 Coastview Place. However, it is considered that the development will not result in the unreasonable sharing of views Council has received a submission from the owner of 6 Coastview Place. In particular the objector has raised concern to the loss of beach, headland and ocean views to the horizon from their north-eastern windows and balcony. In response, the applicant supplied a rough view loss montage of the expected view loss from the neighbouring balcony (see photo below).

General Principles of Development Control:



In determining whether or not the view loss is significant the principles outlined within the Land and Environment Court Case *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*, have been used.

In *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140* the Land and Environment Court provided four (4) planning principles to be used in the assessment of view loss.

These principles and an assessment of the proposed development against the principles are outlined as follows:

Step 1: Assess the nature of the views to be affected, water views are valued more highly than land views, iconic views (such as of the Opera House, the Sydney Harbour Bridge or North Head) are valued more highly than views without those icons, and whole views are valued more highly than partial views. For example, a water view in which the interface between the water and the land is visible is more valuable than one in which it is obscured.

Comment: The likely view loss as a result of the proposed alterations and additions are of Curl Curl Beach. This view includes portions of the interface between land and water and as such is more valuable. However, iconic views such as the headland and approximately 75% of the beach view will be maintained (from a standing position).

Step 2: Consider from what part of the property affected the views are obtained. In this regard it is more difficult to protect views obtained across side boundaries than the protection of views from front and rear boundaries. Also, whether the view is obtained from a standing or sitting position may also be relevant. Sitting views being more difficult to protect. The Senior Commissioner noted that the expectation to retain side or sitting views is often unrealistic.

Comment: The subject site and the objector's site are both irregular blocks on very steep land. The objector's site technically has a frontage to Dick Street but has pedestrian and vehicular access from, and is addressed as, Coastview Place. As such it seems inappropriate to make a distinction between which of the properties boundaries are side boundaries and front boundaries for the purpose of this assessment. The view loss will be from a sitting and standing position from the first floor living room and balcony but more pronounced from a sitting position. From a standing position most of the valuable views will be retained (see photo above).

Step 3: Assess the extent of the impact. This needs to be done for the whole of the property, and not just to that part of it from where the views are affected. The views from living areas (including kitchen areas) are more significant than from bedrooms or service areas. Whilst the impact could be assessed quantitatively, it is more useful to look at the issue in a qualitative sense and ask

General Principles of Development Control:	
	<i>whether the view loss is negligible, minor, moderate, severe or devastating.</i> Comment: The view loss will be greatest from a sitting position in the first floor living/kitchen area and balcony of the neighbouring property at No. 6 Coastview Place. The second floor bedrooms will maintain all of their beach and headland views. As such the view loss can be considered to be minor. <i>Step 4: Assess the reasonableness of the proposal that is causing the impact. A development that complies with all relevant planning controls would be considered more reasonable than one that breaches them. Importantly, the Senior Commissioner said that "where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable". Where a development complies with the planning controls, the question is whether a more skilfully designed proposal could provide the same development potential whilst reducing the impact to neighbours. In that situation the view impact of a complying development would probably be considered acceptable, and the view sharing reasonable.</i> Comment: The proposal does not comply with the building height control of 8.5m reaching a maximum height of 10.8m, or 2.3m above the control. However, this is mainly due to the topography of the subject site. The majority of the proposed addition is far below the 8.5m height plane. In fact the new addition is only 6.0m above natural ground level at the point closest to the neighbouring property at No. 6 Coastview Place. While part of the proposal substantially breaches the building height control, a compliant design would result in devastating view loss for the neighbouring property. As such while the proposal creates minor view loss resulting from a non-compliance, the design achieves adequate view sharing. As such, based on an analysis of the view sharing principles established in the LEC the application is deemed to reasonably share views with the adjoining property owner at No. 6 Coastview Place. Additionally, it should be reiterated, that a first floor addition compliant with the building height control, but setback closer to the adjoining properties, would result in much more considerable view loss for the adjoining properties. The proposal will also slightly affect views from the units at No. 4 Coastview Place. However, as these views are only of open ocean, across side boundaries and the same reasoning would apply the proposal is considered to adequately share views to these units. As such, the proposal is considered to satisfy Clause 61.
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development will provide sunlight to at least 50% of the adjoining private open space for more than 2 hours between 9am and 3pm on June 21st.
CL63 Landscaped Open Space Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development is deemed to satisfy the requirements of Clause 63 for the following reasons: • All existing vegetation will remain as a result of the proposed alterations and additions. • The proposed landscaping includes a grassed area that will provide for the outdoor recreational needs of occupants. • The proposed landscaping provides space for service functions such as clothes drying. • The landscaping provides for the adequate infiltration of stormwater.
CL63A Rear Building Setback Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL64 Private open space	Complies:

General Principles of Development Control:	
Applicable: ☒ Yes ☐ No	☒ Yes ☐ Yes , subject to condition ☐ No The proposal includes a terrace and grassed area to the front of the site off of a living area with a total area of approximately 82m² and with dimensions greater than 5m x 5m. While the open space is technically to the front of the house due to the topography and surrounds of the site the space is private. As such, the proposed development is deemed to satisfy Clause 64.
CL65 Privacy Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed additional level on top of the existing level will contain a number of windows. The predominant outlook is to the north and east towards Curl Curl Beach, the headland and the ocean. These windows are not within close view (9m) of any windows of adjoining properties and as such are considered to adequately maintain privacy. The windows on the western elevation are high silled windows that face the adjoining residential flat building at No. 4 Coastview. These windows are not within close view of any of the windows of adjoining units and as such are considered to adequately maintain privacy. There are a number of windows on the southern elevation that look out on district and ocean views to the south. These windows are within 9m of adjoining windows on the property at No. 6 Coastview. However, the top of the highest proposed window will be 1m lower than the sill of the lowest window at No. 6 Coastview and as such will not cause unreasonable direct overlooking of the neighbouring windows. No. 6 Coastview also has a pool and private open space to the south of the subject site that may be affected by these windows. However, due to the topography of the site the pool is well below the windows and more than 9m away. As such these windows are not expected to have an unreasonable privacy impact. Additionally, the private open space adjoining the living area will not be affected by the proposed windows. There were no unresolved objections received from the owners of the properties to the south or west of the subject site in regards to privacy. For the reasons listed above the proposed additionally floor is deemed to satisfy Clause 65. No other element of the proposal will have an effect on privacy. As such the proposal is considered to satisfy Clause 65.
CL66 Building bulk Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development is considered to satisfy Clause 66 for the following reasons: • The building setbacks increase as the wall height increases • There are no areas of unarticulated continuous wall planes • The existing landscaping will reduce the visual bulk of the development.
CL67 Roofs Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed dwelling incorporates a low pitched skillion roof that will better compliment the existing skyline than the existing flat roof and as such is considered to satisfy Clause 67.
CL68 Conservation of Energy and Water Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No A BASIX Certificate has been provided with the application.
CL69 Accessibility – Public and Semi-Public Buildings	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No

General Principles of Development Control:	
Applicable: ☐ Yes ☒ No	
CL70 Site facilities Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No Adequate provision is made for the location of mailboxes, storage, garbage, and clothes drying facilities.
CL71 Parking facilities (visual impact) Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL72 Traffic access & safety Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The change of use of the subject building from a residential flat building to a dwelling will reduce the demand for parking and result in improved access and safety. The site is currently constrained by a narrow driveway that also provides access to No. 6 Coastview. The reduction in traffic volumes will reduce traffic conflict entering and existing the two sites. As such, the proposed development is considered to satisfy the requirements of Clause 72.
CL73 On-site Loading and Unloading Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL74 Provision of Carparking Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed dwelling incorporates an area for two (2) off-street car parking spaces. As such, the proposal is deemed to satisfy Clause 74.
CL75 Design of Carparking Areas Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL76 Management of Stormwater Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed development is deemed to satisfy the requirements of Clause 76 for the following reasons: • The proposal does not require on-site detention as it does not result in an increase of more than 50sqm of impervious area on the site. • The subject site will maintain all of its existing landscaping as a result of the proposed development. • The proposal was referred to Council's development engineers who raised no objection to the proposed development subject to conditions of consent.

General Principles of Development Control:	
CL77 Landfill Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL78 Erosion & Sedimentation Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL79 Heritage Control Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL82 Development in the Vicinity of Heritage Items Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL83 Development of Known or Potential Archaeological Sites Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No

Schedules:	
<u>Schedule 5 State policies</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 6 Preservation of bushland</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 7 Matters for consideration in a subdivision of land</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 8 Site analysis</u> Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 9 Notification requirements for remediation work</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 10 Traffic generating development</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 11 Koala feed tree species and plans of management</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 12 Requirements for complying development</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 14 Guiding principles for development near Middle Harbour</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No

Schedules:	
<u>Schedule 15 Statement of environmental effects</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 17 Carparking provision</u> Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☒ Yes ☐ No

If yes: Has the applicant provided Basix Certification?

☒ Yes ☐ No

SEPP 55 Applicable?

☒ Yes ☐ No

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

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

Is the proposal for a swimming pool:

☐ Yes ☒ No

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:	
Clause 54 & 109 (Stop the Clock) Applicable: ☐ Yes ☒ No	
Clause 92 (Demolition of Structures) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ No
Clause 92 (Government Coastal Policy) Applicable: ☐ Yes ☒ No	Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy ? ☐ Yes ☐ No
Clause 93 & 94 (Fire Safety) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ No
Clause 94 (Upgrade of Building for Disability Access) Applicable: ☐ Yes ☒ No	Addressed via condition? ☐ Yes ☐ No
Clause 98 (BCA) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ No

REFERRALS		
Referral Body/Officer	Required	Response
Development Engineering	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory
Landscape Assessment	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory
Building and Compliance	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory

REFERRALS		
Bushland Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Catchment Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Env. Health and Protection	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
NSW Rural Fire Service	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Energy Australia	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory

Applicable Legislation/ EPI's /Policies:

- | | |
|---|--|
| ☒ EPA Act 1979 | ☐ Rural Fires Act 1997 |
| ☒ EPA Regulations 2000 | ☐ RFI Act 1948 |
| ☐ Disability Discrimination Act 1992 | ☐ Water Management Act 2000 |
| ☒ Local Government Act 1993 | ☐ Water Act 1912 |
| ☐ Roads Act 1993 | ☐ Swimming Pools Act 1992; |

Item 3.1

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|---|---|
| ☒ SEPP No. 55 – Remediation of Land | ☒ WDCP |
| ☐ SEPP No. 71 – Coastal Protection | ☐ S94 Development Contributions Plan |
| ☒ SEPP BASIX | ☒ S94A Development Contributions Plan |
| ☒ SEPP Infrastructure | ☐ NSW Coastal Policy (cl 92 EPA Regulation) |
| ☒ WLEP 2000 | ☐ Other |

SECTION 79C EPA ACT 1979	
Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	☒ Yes ☐ No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	☒ Yes ☐ No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	☒ Yes ☐ No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	☐ Yes ☐ No ☒ N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	☒ Yes ☐ No
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 ☐ No
Section 79C (1) (c) – Is the site suitable for the development?	☒ Yes ☐ No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	☒ Yes ☐ No
Section 79C (1) (e) – Is the proposal in the public interest?	☒ Yes ☐ No

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	450m ²	1040m ²	YES	N/A

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Size:				
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	10.8m	NO	YES

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

SECTION 2 – ISSUES

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
Lilian Wales & Peter Hojgaard-Olsen	6 Coastview Place, Freshwater, NSW 2096

The following issues were raised in the submissions:

- View Loss
- Height Poles be erected to give indication of view loss.
- Breach of Building Height Control
- Traffic Access & Parking
- Traffic Access & Parking (During Construction)

The matters raised within the submissions are addressed as follows:

- View Loss

Comment: The view loss has been assessed against the view planning principle established in the Land and Environment Court Case *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*. See discussion in Clause 61 of this report for further information. The proposal was deemed to reasonably share views.

- Height Poles be erected to give indication of view loss.

Comment: In lieu of height poles the applicant provided a view loss assessment with a photo taken from the balcony of No. 6 Coastview Place. This is considered to be an acceptable compromise as it gives a similar indication of view loss that height poles would. See discussion in Clause 61 of this report for further information

- Breach of Building Height Control

Comment: The breach of the building height control has been assessed under a Clause 20 variation. See discussion in Built Form Controls section of this report. The breach was determined to be reasonable as it was a result of the extreme topography of the subject site.

- Traffic Access & Parking

Comment: The application includes change of use from residential flat building to a dwelling house and attached granny flat. The assessment of traffic access and parking has been assessed under Clause 72 of the WLEP 2000, see this section of the report for further information. The proposal will result in less demand for parking and as such will improve traffic access and safety for the adjoining owner.

- Traffic Access & Parking (During Construction)

Comment: A special condition of consent will require that the access easement not be occupied at any time during the construction of the dwelling.

MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No

Has the applicant agreed to mediation?

☐ Yes / ☒ No

Has mediation been conducted?

☐ Yes / ☒ No

SEPPs

SEPP No. 55 – Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated and if the land is contaminated further consideration is required under Clauses 7(1)(b) and 7(1)(c) of the SEPP.

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

WLEP 2000

DESIRED FUTURE CHARACTER

"The Curl locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing and a range of complementary and compatible uses. The land containing the existing Bowling Club at Lot 2682 DP 752038 on Abbott Road and the land containing the existing Harbord Bowling Club at Lot 4 DP 601758 on Stirgess Avenue will continue to be used only for recreation facilities.

Future development will maintain the visual pattern and predominant scale of detached style housing in the locality. The streets are to be characterised by landscaped front gardens and front building setbacks which are consistent with surrounding development. The exposed natural sandstone rock outcrops throughout the locality will be maintained. Development on prominent hillsides or hilltops must be designed to integrate with the landscape, topography and long distance views of the hill. 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 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-compliances with the Building Height, Side Boundary Envelope and Side Setback Built Form Controls, 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 proposal will maintain detached style housing in the street and locality and will not prevent complementary and compatible land uses being developed throughout the locality.
- The proposal will maintain the landscaped setting of the locality.
- The visual pattern and predominant scale of the locality is that of detached one and two storey housing in a variety of architectural styles. The proposed alterations and additions will result in what appears to be a two storey dwelling when viewed from Coastview Place.
- No subdivision will take place.
- The proposed development will not affect the existing local retail centre.

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Building Height, Side Boundary Envelope and Side Setback Built Form Controls Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Building Height

Required: Maximum 8.5m from natural ground level to the topmost point of the building, maximum 7.2m from natural ground level to the underside of the ceiling on the uppermost floor.

Proposed: 10.8m overall height, 10.5m floor to ceiling height.

Response:

In assessing this non-compliant element of the proposal, it is necessary to consider the intents of the Building Height Built Form Control. Accordingly, compliance with the intents are addressed below:

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

Comment: The proposed development includes a breach of the overall height control, exceeding the 8.5m control by 2.3m at the first floor living room. However, the breach is considered acceptable in regards to this intent for the following reasons:

- The breach is created due to the extreme topography of the site.
- The breach is only in a corner of the development not within close view of adjoining properties
- Due to the topography of the site the breach is not visible from Coastview Place, and as such will not serve to unreasonably add visual dominance.

Intent: Preserve the amenity of the surrounding land.

Comment: The non-compliances in regards to overall height and floor-to-ceiling height reduce amenity to the owners of the surrounding land as follows:

- Solar Access: The breach of the overall height slightly increases overshadowing of the open space of the adjoining neighbour to the east. However, the neighbour will still receive the required two hours of sunlight to 50% of their open space on June 21st.
- Privacy: The areas that breach the overall height and floor-to-ceiling heights controls contain windows and doors that overlook neighbouring properties. The majority of these window breaches are minor and would result only in windows above the average standing height of a person. The biggest breach occurs on the master bedrooms southern floor to ceiling windows, where part of the window below the height of a standing person would overlook adjoining private open space. However, due to the design of the adjoining balcony and screening the primary private open space is not visible. Note: 'Primary Private Open Space' is taken to be the Private Open Space directly adjoining a living area.
- Views: The applicant submitted a view analysis for the proposed development. There appears to be no view loss as a result of the non-compliance with building height.

Intent: Ensure that development responds to site topography and minimises excavation of the natural landform.

Comment: The subject site slopes slightly down from a high in the northeast corner, to a low in the southwest corner. The proposed dwelling generally responds to the site topography by stepping down to the rear of the site. However, the master bedroom protrudes from the rear of the first floor further than the ground floor below. It is this bedroom that breaches the overall height control, and most significantly breaches the floor to ceiling control. However, the breaches to the controls here are mostly due to the undulating topography of the site and can be considered minor. The proposal also includes cut and fill. However, it is not the cut and fill that results in the breach of the building height built form control.

Intent: Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.

Comment: The proposed development breaches the floor-to-ceiling height control in approximately 54% of the first floor. The roof of the proposed development is flat with little to no variations in roof design. However, the street is characterised by a variety of roof designs, including flat roofs. As such, the proposal is considered to be satisfactory.

The breaches are not considered to unreasonably compromise the intents of this control.

Side Boundary Envelope and Side Setback Built Form Control

Required: Side Boundary Envelope: 45 degrees from 5m
Side Setback: 0.9m

Proposed: Side Boundary Envelope: Slight encroachment (Southern Elevation)
Side Setback: 0.5m (Southern Boundary)

Response:

In assessing this non-compliant element of the proposal, it is necessary to consider the intents of the Side Boundary Envelope and Side Setback Built Form Built Form Control. Accordingly, compliance with the intents are addressed below:

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

Comment: The design ensures that the side setback increases as the building height increases, including at the spot of the breach. As such the proposal is not considered to be unreasonable bulky.

Intent: Preserve the amenity of the surrounding land.

Comment: The area that causes the breach does not contain any windows and as such will not create an unreasonable privacy impact. The additional overshadowing does not constitute a breach of Council's Solar Access General Principle. The breach does not result in any view loss for adjoining properties.

Intent: Ensure the development responds to site topography.

Comment: The section of the subject site on which the dwelling sits is of generally flat slope and as such this section does not apply.

Intent: Provide separation between the buildings.

Comment: The breach is setback more than the remaining building and is higher than the adjoining building. As such the breach maintains adequate separation between the dwellings.

Intent: Provide opportunities for landscaping.

Comment: The proposal does not reduce the existing landscaping on the subject site.

Intent: Create a sense of openness

Comment: The breach is well setback from the front and side boundaries and as such does not contribute to create a sense of enclosure.

The proposal is not considered to hinder achievement of the intents of this control.

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 Building Height, Side Boundary Envelope and Side Setback Built Form Controls (Development Standard) pursuant to Clause 20(1) is supported.

SECTION 3 – SITE INSPECTION ANALYSIS



Site area: 1040sqm

Detail existing onsite structures:

- ☐ None
- ☐ Dwelling
- ☒ Detached Garage
- ☐ Detached shed
- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☒ Other Residential Flat Building

Site Features:

- ☐ None
- ☒ Trees

- ☒ Under Storey Vegetation
- ☒ Rock Outcrops
- ☐ Caves
- ☒ Overhangs
- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☒ Yes ☐ No

If Yes where from (in relation to site):

- ☒ North / South

- ☐ East / West
☐ North East / South West
☐ North West / South East

View of:

- Ocean / Waterways ☒ Yes ☐ No
Headland ☒ Yes ☐ No
District Views ☒ Yes ☐ No
Bushland ☐ Yes ☒ No
Other:

Bushfire Prone?

- ☐ Yes ☒ No

Flood Prone?

- ☐ Yes ☒ No

Affected by Acid Sulfate Soils

- ☐ Yes ☒ No

Located within 40m of any natural watercourse?

- ☐ Yes ☒ 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?

- ☒ Yes ☐ No

Located within 100m of the mean high watermark?

- ☐ Yes ☒ No

Located within an area identified as a Wave Impact Zone?

- ☐ Yes ☒ No

Any items of heritage significance located upon it?

- ☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

- ☐ Yes ☒ No

Located within an area identified as potential land slip?

- ☐ Yes ☒ No

Is the development Integrated?

- ☐ Yes ☒ No

Does the development require concurrence?

- ☐ Yes ☒ No

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

- ☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

- ☒ Yes ☐ No

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

- ☐ Yes ☒ 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 ☐ No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	☐ Yes ☒ 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 Environment Plan 2009 and the relevant codes and policies of Council. and the proposed development is considered to be:

- ☒ Satisfactory
☐ Unsatisfactory

Recommendation:

That Council as the consent authority

- ☒ **GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation
- ☐ **GRANT DEFERRED COMMENCEMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination;
 - (b) limit the deferred commencement condition time frame to 3 years;
 - (c) one the deferred commencement matter have been satisfactorily addressed issue an operational consent subject to the time frames detailed within part (d); and
 - (d) the consent lapsing within three (3) from operation
- ☐ **REFUSE development consent** to the development application subject to:
- (a) the reasons detailed within the associated notice of determination.

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

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
2008.10:DA1,DA3-DA7 Rev A	20/07/10	Humel Architects Pty Ltd

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	10/08/10

(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:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$ 148,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.45%	666.00
S94A Planning and Administration	0.05%	74.00
Total	0.5%	\$740

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) 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)

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. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

Item 3.1

- 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)

9. 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)

10. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure. (DACENC09)

11. Trees and / or Landscaping

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

(a) Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.

- (i) 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.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Maintenance of Access

During construction works the shared access way on the subject site with No. 6 Coastview Place shall be left free and clear of any obstruction for its entire length.

Reason: To maintain access to adjoining property owners. (Special)

13. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

14. Trees Condition

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

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

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

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

Reason: Protection of Trees. (DACLAEO3)

