

3.1 6 Rowena Road, Narraweena – Construction of a Dwelling House

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Shaylin Moodliar
Address / Property Description:	Lot 23 in DP 27573, No.6 Rowena Road, Narraweena
Proposal Description:	Construction of a dwelling house
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Development Application No:	DA2010/0959
Application Lodged:	22 June 2010
Plans Reference:	5D (dated 6 September 2010), 2D (dated 21 May 2010), 1C, 3C, 4C, 7C, 8C and 9C (dated 19 May 2010)
Amended Plans:	NO
Applicant:	Allcastle Homes Pty Ltd
Owner:	A Sarlak, L H Hossienzadeh
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Locality:	E2 Dee Why Lagoon Suburbs
Land Use Category:	Category One – 'Housing'
Draft WLEP 2009 Permissible or Prohibited Land use:	Permissible with consent
Clause 20 Variations:	NO
Referred to ADP:	YES (more than two unresolved objections)
Referred to WDAP:	NO
Land and Environment Court Action:	NO
SUMMARY	
Submissions:	Six (6) submissions were received
Submission Issues:	Overdevelopment, view loss, overshadowing, inconsistency with the DFC, loss of property value, stormwater drainage, building height, bulk and scale, visual privacy
Assessment Issues:	Overdevelopment, view loss, overshadowing, inconsistency with the DFC, loss of property value, stormwater drainage, building height, bulk and scale, visual privacy
Recommendation:	Deferred Commencement Approval
Attachments:	Site and Elevation Plans

LOCALITY PLAN (not to scale)



Subject Site: Lot 23 in DP 27573, No.6 Rowena Road, 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 (adopted by Council 28 June 2008 and in effect from 5 July 2008). As a result, the application was notified to 8 adjoining land owners and occupiers were notified for a period of 14 calendar days commencing on 1/07/2010 and being finalised on 16/07/2010.

SITE DESCRIPTION

The subject property is legally described as Lot 23 in DP 27573, which is commonly known as 6 Rowena Road, Narraweena. The property is located on the northern side of Rowena Road, and enjoys long distant views across the eastern boundary of the Pacific Ocean. The property is generally rectangular in shape with a site area of 581.7 square metres. The southern and northern boundaries have a length of 18.288 metres, whilst the eastern and western side boundaries have a length of 32.01 metres.

The subject site is currently occupied by a single-storey dwelling. The property has a slight 11% slope from the southwestern corner to the north-eastern corner of the site.

The site is located in the E2 Dee Why Lagoon Locality which is characterised by detached style housing on approximately 600 square metre allotments in landscaped settings interspersed by a range of complementary and compatible uses.

SITE HISTORY

On 9 June 2010 Council received Development Application No.DA2010/0896 for the demolition of existing structures.

On 23 June 2010 Council approved Development Application No.DA2010/0896 for the demolition of existing structures.

On 22 June 2010 Council received Development Application No.DA2010/0959 for the construction of a dwelling house, which is the subject of this report.

PROPOSED DEVELOPMENT

The proposal involves the construction of two-storey dwelling house consisting of the following:

New Ground Floor Level FFL 53.785

- Kitchen, meals room, dining room, laundry, study, bathroom, rumpus room and lounge room.
- Double enclosed garage at FFL 53.71

New First Floor Level FFL 56.704

- Master bedroom 1 with walk-in-robe, ensuite and a north-facing balcony.
- Four bedrooms, bathroom and living room with a south-facing balcony.

AMENDMENTS TO THE SUBJECT APPLICATION

There are no amended plans for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979)
- b) Environmental Planning and Assessment Regulations 2000.
- c) SEPP 55 – Remediation of Land
- d) Warringah Local Environment Plan 2000
- e) Warringah Development Control Plan
- f) SEPP Basix
- g) SEPP (Infrastructure) 2007
- h) Draft Environmental Planning Instruments
- i) Section 94A Development Contributions Plan

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted by Council 28 June 2008 and in effect from 5 July 2008). As a result, the application was notified to 8 adjoining land owners and occupiers were notified for a period of 14 calendar days commencing on 1/07/2010 and being finalised on 16/07/2010. As a result of the public exhibition process submissions have been received from:

Name	Address
Colin Nalty	8 Rowena Road, Narraweena
Julie Asensi	4 Rowena Road, Narraweena
Stuart & Margaret Olson	2 Rowena Road, Narraweena
William & Sharon Wills	5 Rowena Road, Narraweena
John Benson & Catherine Thomas	9 Rowena Road, Narraweena
Jim & Faye Morton	3 Rowena Road, Narraweena

The following issues were raised in the submissions and each has been addressed below:

Non-compliance with the Desired Future Character (DFC) for the H1 Locality

Concerns have been raised that the proposed development is inconsistent with the DFC for this E2 Locality in that the development represents a land use which is totally out of character with detached style residential dwellings characterised by consistent front building setbacks. It is also stated that the proposal is an overdevelopment of the site which is not complementary and compatible as required by the DFC.

Comment: The concern is that the dwelling will present an overdevelopment to the Rowena Road streetscape, and therefore, be inconsistent with the DFC for the E2 locality. This issue has been discussed in detail under the DFC statement of this report, where it is noted that the E2 locality does not state that development for this site is to present as two storeys to this section of Rowena Road. Having regard to the above, the proposed dwelling is compliant with the overall building height. The proposed design of the built form responds positively to the constraints of the site, including its 11% slope to the north-eastern corner of the site to allow the dwelling to step down the site and address the streetscape. In summary, the proposed development has been found to be consistent with the DFC statement for the E2 Locality. The concerns raised in this regard are noted but do not warrant the redesign or refusal of the application.

Building and Ceiling Height Built Form Control

Concern has been raised in relation to the Building and Ceiling Height Built Form Control of the WLEP 2000.

Comment: The Building and Ceiling Height control applicable to this site and the E2 Locality is 8.5m and the proposed dwelling is under this height. It should be noted that the proposal does not involve variations to the Built Form Controls and is consistent with the Desired Future Character of the locality, General Principles of Development Control and Relevant State Environmental Planning Policies. The built form of the proposed development is designed to integrate with the natural topography resulting in a two-storey dwelling as viewed from the streetscape. The proposed development for a detached style dwelling is in keeping with the character of existing detached style of housing within the locality. Based on the above, the concerns raised in this regard are noted but do not warrant the redesign or refusal of the application.

Overshadowing

Concern was raised from the occupants of the adjoining dwellings where the proposed development may cause unreasonable overshadowing to No.4 and No.8 Rowena Road.

Comment: The potential overshadowing impact of the proposal on the adjoining dwellings has been considered and noted that the shadow diagrams depicting the proposed overshadowing to No.4 and No.8 Rowena Road does not cause unreasonable overshadowing to adjoining dwelling(s). As detailed under Clause 62 *Access to Sunlight* of the 'General Principles of Development Control' section in this report the proposed development demonstrates that the proposed development is satisfactory with regard to the proposed overshadowing of principal private open spaces of adjoining dwellings. On this basis the proposal is satisfactory in terms of solar access as it will not result in an unreasonable level of overshadowing to the adjoining properties. Accordingly, the concern raised in relation to overshadowing does not warrant a redesign or refusal of the application.

View loss

Concern has been raised in relation to view loss from the proposed development.

Comment: The assessment under Clause 61 *Views* of the 'General Principles of Development Control' demonstrates that the proposal is satisfactory in that there is no unreasonable view loss from the established view corridor of adjoining and surrounding properties. Accordingly, the concern raised in relation to view loss does not warrant a redesign or refusal of the application.

Bulk and scale of development

Concern has been raised in relation to the bulk and scale of the proposed development.

Comment: The design presents an appropriate form articulated with varying setbacks and elements of visual interest to minimise bulk. The building is designed to integrate with the natural topography resulting in a two-storey dwelling as viewed from the streetscape. The assessment under Clause 66 *Building Bulk* of the 'General Principles of Development Control' demonstrates that the proposal is satisfactory. Accordingly, the concern raised in relation to bulk and scale of the development does not warrant a redesign or refusal of the application.

Visual Privacy

Concern has been raised in relation to visual privacy of the proposed development. The objector(s) states that the proposal will impact on their visual privacy.

Comment: The assessment under Clause 65 *Privacy* of the 'General Principles of Development Control' demonstrates that the proposal is satisfactory. Direct and close overlooking of the habitable rooms of adjoining and surrounding properties, are prevented by adequate spatial separation and building design including the effective location of windows and balconies. Given the above, the development is consistent with the requirements of the clause as it will not cause unreasonable direct overlooking of the habitable rooms and private open spaces of the adjoining and surrounding properties. Accordingly, the concern raised in relation to visual privacy does not warrant a redesign or refusal of the application.

Decrease of the property value to adjoining and surrounding properties

Concern has been raised in relation to a decrease of the property value to adjoining and surrounding properties from the proposed development.

Comment: Loss of property value with regard to a proposed development is not a consideration under the *Environmental Planning and Assessment Act 1979*. The issue raised within this submission does not warrant refusal of the proposed development.

Stormwater Management

Concern was raised that the proposed development will cause major concern with stormwater drainage as it is already a problem in this area with heavy rains.

Comment: Council's Development Engineer has reviewed the proposal and raised no objections, subject to conditions. Accordingly, the concern raised in relation to stormwater management does not warrant a redesign or refusal of the application.

MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	N/A

LAND AND ENVIRONMENT COURT ACTION

No Land and Environment Court action has, to date, been received by Council.

REFERRALS

External Referrals

Energy Australia

Energy Australia has reviewed the proposal and has raised no objection to the proposed development, subject to conditions.

Internal Referrals

Development Engineers

Council's Development Engineers have reviewed the stormwater drainage plan and design of the driveway and raise no objections to the proposal subject to conditions which have been incorporated into the draft consent, should this application be worthy 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	See discussion on "State Environmental Planning Policy No. 55 – Remediation of Land", "State Environmental Planning Policy (Infrastructure) 2007", "SEPP BASIX" and "Warringah Local Environmental Plan 2000" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on "Draft Environmental Planning Instruments" in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies and has been addressed within this report.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	No planning agreements or draft planning agreements apply to this application.
Section 79C (1) (a)(iv) – Provisions of the regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval. Clause 92 of the EPA Regulations 2000 requires Consent Authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i> . Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control table in this report. In summary, the proposed development is acceptable in relation to the environmental impacts. (ii) The proposed development will not have a detrimental social impact in the locality considering the continuous use of the building for residential purposes. (iii) The proposed development will not have a detrimental economic impact on the locality.
Section 79C (1) (c) – the suitability of the site for the development	The site is constrained by its slope, however, the proposal is appropriately designed to complement the site topography and is considered suitable for the proposed development. Furthermore, the proposal is considered an appropriate land use for the locality and is appropriately designed to complement the site topography and size. Accordingly 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 the public submissions, refer to 'Notification and Submissions' section of this report.
Section 79C (1) (e) – the public interest	The public interest is served by the continued maintenance of the site, the orderly development of the land, the provision of development which is consistent with the planning controls applying to the proposed land use within this locality.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Land Use Zone: R2 Low Density Residential

Definition: Dwelling Houses

Permissible or Prohibited: Permissible with consent

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

Principal Development Standards:

<i>Development Standard</i>	<i>Required</i>	<i>Proposed</i>	<i>Complies</i>	<i>Clause 4.6 Exception to Development Standard</i>
<i>Minimum Subdivision Lot Size:</i>	N/A	N/A	N/A	N/A
<i>Rural Subdivision:</i>	N/A	N/A	N/A	N/A
<i>No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:</i>	N/A	N/A	N/A	N/A
<i>Height of Buildings:</i>	Yes	8.133m	Yes	<i>No exception to development standard</i>

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

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.

State Environmental Planning Policy - BASIX

A BASIX certificate has been submitted with the application. A condition of consent has been imposed requiring compliance with the requirements of the applicable BASIX certificate, should this application be recommended for approval.

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 as a result the application was referred to Energy Australia who reviewed the proposal and raised no objection, subject to conditions.

Regional Environment Plans (REPs)

There are no applicable Regional Environment Plans to this development application.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

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" under the WLEP 2000 dictionary. "Housing" is identified as Category 1 development in this E2 Dee Why Lagoon Suburbs Locality.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement.

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

""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."

Comment: The proposed development will maintain the existing detached style housing in a landscaped setting located on the subject site. The subject site is not located within the vicinity of Dee Why Bowling Club Manly Warringah Soccer Club or Evergreen Tennis Centre, therefore, this component of the DFC statement is not applicable to the proposed 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.”

Comment: The proposed development is of a design which is articulated with various recessive building elements including open balcony structures timber privacy screens, stepped in floor levels, varying front and rear setbacks and a 22 ½ degree pitched roof. In addition, the use of various external finishes and materials, including large areas of expansive glass windows, roof tiles and cement rendered external walls, create visual interest and break up the visual bulk of the dwelling, particularly when viewed from Rowena Road.

Given the above, the proposed development will complement adjoining dwellings, including recent developments in the street and locality. Therefore, the proposal is consistent with this component of the DFC statement.

“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.”

Comment: The proposed development protects the hillsides and elevated landforms, prominent natural landscape features and remnant vegetation. The proposed development will provide a positive contribution to the streetscape and its design will not detract from the visual and natural qualities within the locality. The proposal complements the existing character along Rowena Road and the adjoining streets. The proposal is consistent in scale with adjoining and nearby buildings. Therefore, the proposal is consistent with this component of the DFC statement.

“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.”

Comment: The subject site is not located within a local retail centre, therefore, this component of the DFC statement is not applicable to the proposed development.

As detailed above the proposed development is considered to be consistent with the E2 Locality DFC statement.

Built Form Controls (Development Standards)

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

Built Form Standard	Required	Proposed Development	Compliance
Building Height	8.5m	8.133m	Yes
Ceiling Height	7.2m	5.616m	Yes
Housing Density	1 dwelling per 600m ² of site area	1 dwelling per 581.7m ² Existing and unchanged	N/A
Front Building Setback	6.5m	6.5m (ground floor lounge room), 6.75m (porch and first floor balcony), 7m (garage)	Yes

Built Form Standard	Required	Proposed Development	Compliance
Rear Building Setback	6m	7.46m (ground floor rumpus room), 9.3 – 9.83m (ground floor family/meals room)	Yes
Landscaped Open Space	40% of site area (232.68 m ²)	59.5% of site area (346.5366 m ²)	Yes
Side Boundary Envelope	4m / 45 degrees	East: greater than 4m / 45 degrees West: greater than 4m / 45 degrees	Yes Yes
Side Setback	900mm	East: 3.468m (garage), 4.068m ground an first floor West: 2m (ground floor lounge and dining room and first floor bedroom 3), 2.6m (ground floor kitchen/meals room and first floor bedroom 4 and bathroom)	Yes Yes

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

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	A condition will included to ensure that the proposed roof colour will create minimal glare and reflective.	Yes, subject to conditions
CL39 Local retail centres	No	No Comment.	N/A
CL40 Housing for Older People and People with Disabilities	No	No Comment.	N/A
CL41 Brothels	No	No Comment.	N/A
CL42 Construction Sites	Yes	The proposed construction site will not unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment and is satisfactory in addressing the General Principle. Appropriate standard conditions would adequately address the construction requirements associated with the building works proposed on the site.	Yes, subject to conditions
CL43 Noise	Yes	The proposed development will not result in noise intrusion which would unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable to the occupants. The proposed development will neither enhance nor reduce the existing noise generating activities, and furthermore, the proposed development is designed to mitigate the effect of that noise.	Yes
CL44 Pollutants	Yes	The subject site has only previously been used for residential purposes and as such is unlikely to contain any pollutants; therefore, the provisions of this principle have been satisfactorily addressed.	Yes
CL45 Hazardous Uses	No	No Comment.	N/A
CL46 Radiation Emission Levels	No	No Comment.	N/A
CL47 Flood Affected Land	No	No Comment.	N/A
CL48 Potentially Contaminated Land	Yes	The site has historically been used for residential purposes and there is no evidence to suggest that the site is contaminated and therefore no further consideration is required.	Yes
CL49 Remediation of Contaminated Land	No	As noted in Clause 48 above, the site has historically been used for residential purposes, therefore, the proposal is thus satisfactory in addressing this Clause.	N/A

General Principles	Applies	Comments	Complies
CL49a Acid Sulfate Soils	No	No Comment.	N/A
CL50 Safety & Security	Yes	The proposal will not be detrimental to the safety and security of the locality.	Yes
CL51 Front Fences and Walls	No	No Comment.	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	No Comment.	N/A
CL53 Signs	No	No Comment.	N/A
CL54 Provision and Location of Utility Services	Yes	The site is currently serviced by existing utilities and this would remain the case should the application be approved.	Yes
CL55 Site Consolidation in 'Medium Density Areas'	No	No Comment.	N/A
CL56 Retaining Unique Environmental Features on Site	Yes	The proposed development is designed to be sympathetic to environmental features. The proposal is considered to satisfactorily address this Clause.	Yes
CL57 Development on Sloping Land	Yes	The western section of the proposed building footprint will contain the main excavation into the slope where up to 1 metre in depth at the front and rear of the proposed dwelling is required. This is a site responsive solution to any development works within the middle to rear portion of the subject site, particularly given the 11% slope of the site to the north-eastern corner, which successfully minimises the height and visual impact of the built form on the down slope side of the building when viewed from Rowena Road. The height and bulk of the development has been minimised by allowing the building mass to step down the slope and providing an articulated design that integrates with the natural topography. Landfill will be no greater than 963mm on the north-eastern corner of the proposed building footprint. The subject site is not identified as being subject to landslip. The proposal is thus satisfactory in addressing this Clause.	Yes
CL58 Protection of Existing Flora	No	No Comment.	N/A
CL59 Koala Habitat Protection	No	No Comment.	N/A
CL60 Watercourses & Aquatic Habitats	No	No Comment.	N/A
<p>CL61 Views Clause 61 stipulates 'Development is to allow for the reasonable sharing of views'.</p> <p>Council has received an objection from the occupant(s) / owner(s) of No.2, 3, 4, 5, and 9 Rowena Road. In particular the objector(s) has raised concern to the loss of valley and ocean views to the horizon from their northern and eastern boundaries.</p> <p>Assessment of potential view loss was conducted from the above-mentioned properties on 31st August 2010, 23rd September and 30th September, where the four step process was conducted.</p> <p>In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of <i>Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140</i>, were applied to the proposal. Specifically, the view assessment has been undertaken having regard to all surrounding properties, however, objections regarding view loss were received from the following:</p> <ul style="list-style-type: none"> • 2 Rowena Road, Narraweena; • 3 Rowena Road, Narraweena; • 4 Rowena Road, Narraweena; • 5 Rowena Road, Narraweena; • 9 Rowena Road, Narraweena; <p>a.) Nature of the views to be affected</p> <p><i>"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views</i></p>			

General Principles	Applies	Comments	Complies
<p><i>without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".</i></p> <p>The existing views to be impacted upon are long distant ocean and iconic views. The views from the various properties contain the following:</p> <ul style="list-style-type: none"> • 2 Rowena Road – The views to be impacted upon are long distant ocean and Dee Why Lagoon views over two side boundaries from the elevated ground floor east-facing living and dining room windows over the subject site. • 3 Rowena Road – The views to be impacted upon are long distant district views to the north from the elevated ground floor north-facing lounge room window over the subject site, with no existing views between land/ocean from the elevated ground floor northeast-facing living and dining room windows over the subject site. • 4 Rowena Road – The views to be impacted upon are long distant ocean and Dee Why Lagoon views over one side boundary from the elevated ground floor east-facing living and dining room windows over the subject site. There are ocean views through the tree canopy to the southeast from the elevated ground floor southeast-facing lounge room windows. The ocean views to be impacted upon are from the elevated ground floor living, dining and lounge room windows where the occupants enjoy ocean view to the east and south-east over the subject site. • 5 Rowena Road - The views to be impacted upon are long distant district views to the north from the elevated ground floor northeast-facing lounge room window and balcony over the subject site, with no existing views between land/ocean from the elevated ground floor northeast-facing lounge room window and balcony over the subject site. • 9 Rowena Road - The views to be impacted upon are long distant district and iconic views of the Baha'i Temple to the north from the elevated ground floor north-facing living and dining room window and front terrace over the subject site. <p>b.) What part of the property affected the views are obtained</p> <p><i>"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".</i></p> <ul style="list-style-type: none"> • 2 Rowena Road - The views of Dee Why Lagoon and the ocean occur across two side boundaries of the elevated ground floor east-facing living and dining room windows over the subject site. The water views are obtained from both a standing and sitting position within the living and dining room. • 3 Rowena Road – The long distant district views occur to the north from the elevated ground floor north-facing lounge room window over the subject site, with no existing views between land/ocean from the elevated ground floor northeast-facing living and dining room windows over the subject site. The district views are obtained from a standing position within the lounge room across two side boundaries and one front boundary. • 4 Rowena Road - The long distant ocean and Dee Why Lagoon views occur over one side boundary from the elevated ground floor east-facing living and dining room windows over the subject site. The water views are obtained from both a standing and sitting position within the living and dining rooms across one side boundary. • 5 Rowena Road – The long distant district views occur to the north from the elevated ground floor northeast-facing lounge room window and balcony over the subject site. The district views are obtained from a standing position within the lounge room and balcony across one side and front boundary. • 9 Rowena Road - The long distant district and iconic views of the Baha'i Temple to the north from the elevated ground floor north-facing living and dining room window and front terrace over the subject site. The district views are obtained from a standing position within the dining room and front terrace across one front boundary. <p>Retention of the north, east and south-eastern long distant ocean and district views from the adjoining and surrounding properties are over the front and side boundaries of a number of properties and are harder to maintain as per the Planning Principle. Retention of long distant iconic standing and sitting views of the Baha'i Temple from the ground floor north-facing living and dining room windows of 9 Rowena Road will remain unchanged from the proposal. Accordingly, it can be seen that although the views may result from standing and sitting positions, they all</p>			

General Principles	Applies	Comments	Complies
c.)	Extent of impact	<p>occur across at least one side or front boundary, and in the instance of the elevated ground floor east-facing living and dining rooms from 2 Rowena Road, the views are across two side boundaries. Retention of views along the side boundary would be difficult to maintain without significantly reducing the development potential of the subject site.</p> <p><i>"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".</i></p> <p>The proposal will maintain the established view corridor which allows for view sharing as it does not result in any significant loss of ocean or iconic views. The impact on views to 3, 5 and 9 Rowena Road are considered negligible to minor as the portion of the proposed development to their north in relation to where views are obtained proposes no change to the existing extensive eastern distant ocean view corridor. The submission sites at 2 and 4 Rowena Road will retain ocean and district views to the east and north, as such overall reasonable view sharing is achieved.</p> <p>Accordingly, it can be seen that overall the extent of the impact is therefore considered negligible to minor.</p>	
		<p>d.) Reasonableness of the proposal that is causing the impact.</p> <p><i>"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. 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. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."</i></p> <p>The proposal complies with all Built Form Controls within the locality and the General Principles of Development Control. The proposal has been designed to take in to account the established ocean and district view corridor.</p> <p>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. Given there are no non-compliances exemplifies that the proposal's design with its 22 ½ degree roof pitch has no significant impact upon the established view corridor. It is considered that the proposed development is reasonable and allows for view sharing.</p> <p>Accordingly, it is considered that the proposal is satisfactory in addressing the intent of this Clause.</p>	
CL62 Access to sunlight	Yes	The proposed development maintains sunlight access to at least 50% of principal private open spaces of adjoining dwellings for no less than 2 hours between 9am and 3pm on 21 June. Accordingly, the development satisfactorily meets the requirements of this Clause.	Yes
CL63 Landscaped Open Space	Yes	The level of soft landscaping to the site is of a scale and density that is considered commensurate with the building bulk, height and scale, and provides an appropriate level of vegetation to enhance its visual setting which provides a detached style dwelling in landscaped settings as per the Desired Future Character statement for the locality. Accordingly, the proposal satisfactorily meets the requirements of this Clause.	Yes
CL63A Rear Building Setback	Yes	The proposed development maintains a sense of openness within the rear yard and provides adequate opportunities to maintain visual privacy between dwellings. Accordingly, the proposal is considered to satisfy the requirements of this Clause.	Yes
CL64 Private open space	Yes	The proposed development provides, in total, greater than 60 m ² private open space which is accessible from the ground floor family and rumpus room and receives adequate sunshine, as such, this Clause is satisfactorily met.	Yes
CL65 Privacy	Yes	The windows proposed on the eastern and western elevations are of such size and position that do not result in excessive or unreasonable opportunities for overlooking.	Yes

General Principles	Applies	Comments	Complies
		The first floor windows along the western and eastern elevations serve a bathroom and bedroom 5 and are of minimal size that does not result in opportunities for unreasonable overlooking. The first floor balcony adjoining the upper living room allows for casual surveillance to the street, whereas, the first floor bedroom 1 balcony does not unreasonably impact visual privacy currently enjoyed by adjoining properties.	
CL66 Building bulk	Yes	The proposed development is considered to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land. The proposed development as viewed from the streetscape maintains compliance with the building height built form control and is not visually dominant from the street or surrounding spaces. Accordingly, the proposal satisfactorily meets the requirements of this Clause.	Yes
CL67 Roofs	Yes	The 22 ½ degree pitch tiled roof form is considered suitable and appropriate in the roofscape of the locality.	Yes
CL68 Conservation of Energy and Water	Yes	A BASIX Certificate (No.308565S) has been submitted.	Yes
CL69 Accessibility – Public and Semi-Public Buildings	No	No Comment.	N/A
CL70 Site facilities	Yes	Garbage and recycling bins are to be stored within the garage and a letter box is proposed within the western side of the driveway.	Yes
CL71 Parking facilities (visual impact)	Yes	The parking facilities are sited and designed where it does not dominate the streetscape and that views of the street from front windows are not obscured. In this regard, the proposed development is satisfactory with this Clause.	Yes
CL72 Traffic access & safety	Yes	The proposal will not have an adverse impact on traffic access and safety, and is satisfactory in addressing this Clause. Council's Development Engineers reviewed the proposal and have raised no objections to the proposed development, subject to conditions.	Yes
CL73 On-site Loading and Unloading	Yes	The proposal provides facilities for the loading and unloading of service, delivery and emergency vehicles which are screened within the garage. In this regard, the proposed development is satisfactory with this Clause.	Yes
CL74 Provision of Carparking	Yes	The proposal will provide two off-street carparking spaces within the subject property which will satisfy the requirements of this Clause and Schedule 17 of the WLEP.	Yes
CL75 Design of Carparking Areas	Yes	The proposed garage component of the development application will have dimensions of 5.75m width x 6.1m length. It is therefore considered that the proposed garage component of the development application is satisfactory with regard to this Clause.	Yes
CL76 Management of Stormwater	Yes	Council's Development Engineers have reviewed the proposal and amended stormwater plans and raised no objections subject to a number of conditions being included on the consent.	Yes, subject to conditions
CL77 Landfill	Yes	The proposed development will have no adverse impact upon the visual and natural environment or adjoining and surrounding properties. In this regard, the proposed development is satisfactory with this Clause.	Yes
CL78 Erosion & Sedimentation	Yes	The development is to be sited and designed and related construction work carried out, so as to minimise the potential for soil erosion. Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site.	Yes, subject to conditions
CL79 Heritage Control	No	No Comment.	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	No Comment.	N/A

General Principles	Applies	Comments	Complies
CL81 Notice to Heritage Council	No	No Comment.	N/A
CL82 Development in the Vicinity of Heritage Items	No	No Comment.	N/A
CL83 Development of Known or Potential Archaeological Sites	No	No Comment.	N/A

Other Relevant WLEP 2000 Clauses

None Applicable

SCHEDULES

Schedule 8 - Site analysis

Adequate site analysis documentation has been submitted with this application.

Schedule 17 – Carparking Provision

For further details please refer to 'General Principles of Development Control' section of this report. In summary, a satisfactory number of carparking spaces have been provided.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan (adopted 10 June 2008)

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 10 June 2008 and became effective on 1 July 2008. The following monetary contributions are applicable:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$403,068.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	\$3829
S94A Planning and Administration	0.05%	\$201
Total	1%	\$4030

OTHER MATTERS FOR CONSIDERATION

None applicable

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, SEPP Basix, SEPP (Infrastructure) 2007, 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.

The proposal will not result in a development that is out of character with the scale of adjoining development. The proposed development has been found to be consistent with the DFC statement for the E2 Dee Why Lagoon Suburbs locality and the general principles of development control. In

this regard, the resultant dwelling will complement, rather than dominate, the streetscape or adjoining properties.

The design of the dwelling responds positively to the constraints of the site, primarily its slope, in that spatial separation is maintained between the proposed dwelling and adjoining properties. In addition, proposed landscaping is adequate and is commensurate with the scale of the proposed dwelling and will provide further visual relief of the built form when viewed from Rowena Road.

The proposal was notified to neighbouring properties and during this process six (6) submissions were received by Council during the notification of the application. In terms of the public interest, the concerns within each submission have been considered and addressed in detail in this report and found to carry no determining weight, particularly with respect to concerns relating to view loss, visual amenity impacts and the bulk and scale of the dwelling.

Given the above, it is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

As a direct result of the application and the consideration of the matters detailed within this report it is considered that Council as the consent authority grant deferred commencement approval as for the reasons detailed within the "Recommendation" section of this report.

RECOMMENDATION - DEFERRED COMMENCEMENT APPROVAL

THAT Council as the consent authority grant a Deferred Commencement Development Consent subject to the time frames for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2010/0959 for the construction of a dwelling house on land at 6 Rowena Road, Narraweena, subject to the following conditions:

GENERAL CONDITIONS

DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

1. Stormwater Drainage Design

Plans indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent areas, must be submitted to, and approved by Council prior to activation of the consent. Stormwater must be disposed of in accordance with Council's Policy "Stormwater Drainage from Low Level Properties" Section 2.2.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA04)

Evidence required to satisfy these conditions must be submitted to Council within 24 months of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

CONDITIONS THAT IDENTIFY APPROVED PLANS

2. 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
1C – Issue C	19/05/2010	Allcastle Homes Pty Ltd
2D – Issue C	21/05/2010	Allcastle Homes Pty Ltd
3C – Issue C	21/05/2010	Allcastle Homes Pty Ltd
4C – Issue C	19/05/2010	Allcastle Homes Pty Ltd
5D – Issue D	06/09/2010	Allcastle Homes 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)

3. 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	DA2010/0959	30 June 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)

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether

the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

6. 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		\$403,068.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	\$3829
S94A Planning and Administration	0.05%	\$201
Total	1%	\$4030

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)

7. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (d) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (e) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (f) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (g) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (h) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**

****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.

8. 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)

9. Sewer / Water Quickcheck

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

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

10. Bonds

Security Bond

A bond (determined from cost of works) of \$1000.00 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)

11. Stormwater Disposal from Low Level Property

Stormwater shall be disposed of to an existing approved system or in accordance with Council's "Stormwater Drainage: From Low Level Properties Policy". Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the "Stormwater Drainage: From Low Level Properties Policy" are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACENC02)



12. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property.
(DACENC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. 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

14. Vehicle Crossings

The provision of 1 vehicle crossing 3 metres wide in accordance with Warringah Council Drawing No A4-3330/ EL and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

15. Layback Construction

A layback 3 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

16. 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

17. 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)

18. 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)

19. 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)

20. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

21. Restriction as to User for On-site Stormwater Detention / On-site Absorption / Level Spreader

A restriction as to user shall be created on the title over the on-site stormwater detention / on-site absorption / level spreader 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 /on-site absorption / level spreader structure is not carried without Council's approval. (DACENF04)

22. 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)

23. Positive Covenant for On-site Stormwater Detention / On-site Absorption / Level Spreader

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 / on-site absorption / level spreader 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 / on-site absorption / level spreader system. (DACENF12)

24. 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".

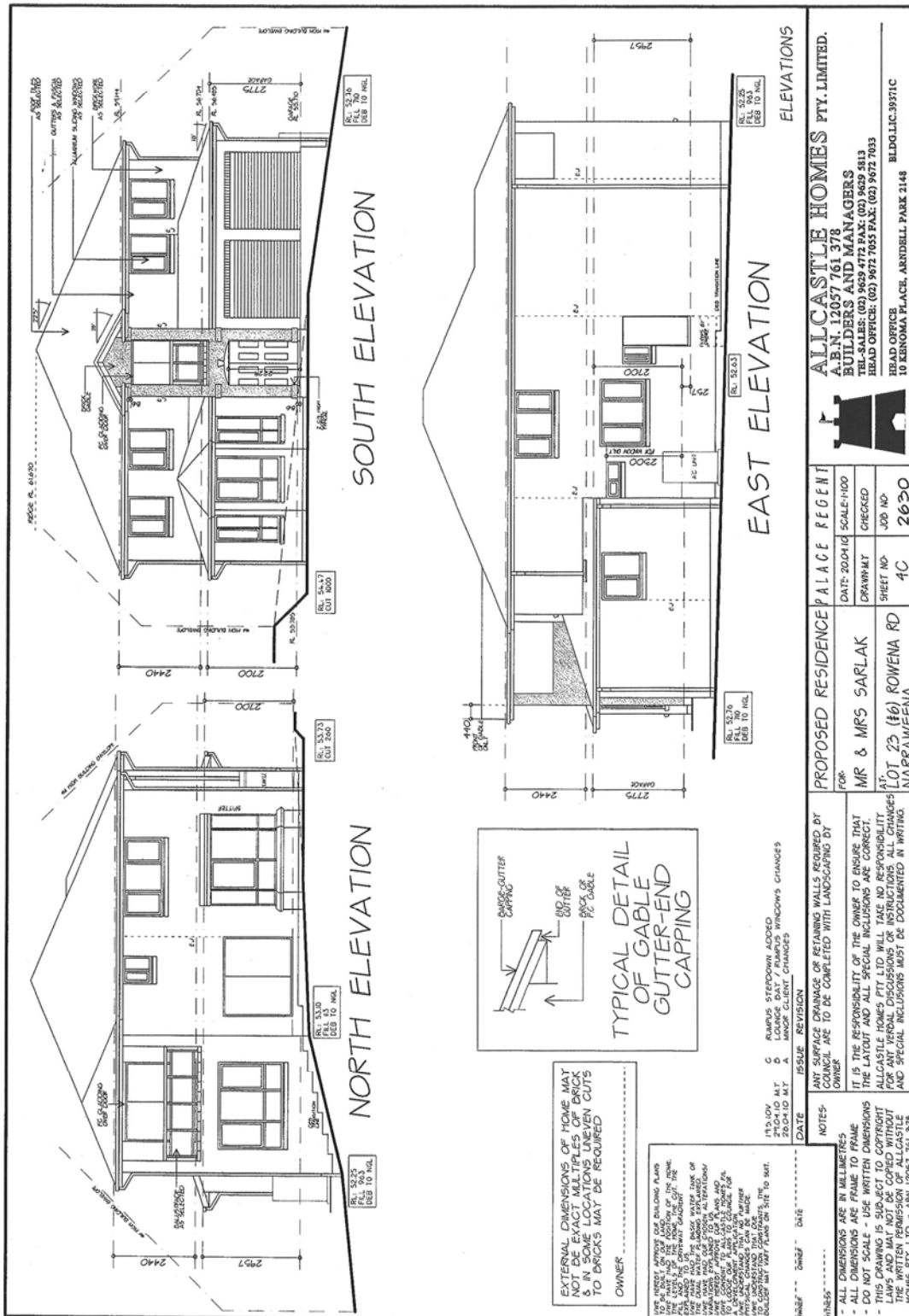
Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)



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Site and Elevation Plans



WEST ELEVATION

CROSS-SECTION AA

TYPICAL DETAIL OF GABLE END GUTTER CAPPING

ALLCASTLE HOMES PTY. LIMITED.
BUILDERS AND MANAGERS
 TEL-SALES: (02) 9639 4772 FAX: (02) 9639 5813
 HEAD OFFICE: (02) 9672 7055 FAX: (02) 9672 7033
 HEAD OFFICE: 10 KENOMA PLACE, ARNDRELL PARK 2148
 BLDG LIC 39371C

ELEVATION / CROSS-SECTION

PROPOSED RESIDENCE **PALACE REGENT**

FOR **MR & MRS SARLAK**

LOT 23 (16) ROWENA RD
NARRABEENAH

DATE **15.10.05** **ISSUE** **REVISION**

ANY SURFACE DRAINAGE OR RETAINING WALLS REQUIRED BY COUNCIL ARE TO BE COMPLETED WITH LANDSCAPING BY OWNER

IT IS THE RESPONSIBILITY OF THE OWNER TO ENSURE THAT THE LAYOUT AND ALL SPECIAL INCLUSIONS ARE CORRECT. ALLCASTLE HOMES PTY LTD WILL TAKE NO RESPONSIBILITY FOR ANY VERBAL DISCUSSIONS OR INSTRUCTIONS. ALL CHANGES AND SPECIAL INCLUSIONS MUST BE DOCUMENTED IN WRITING.

DATE **15.10.05** **ISSUE** **REVISION**

1. RAMP UP STEPDOWN ADDED
2. RAMP UP STEPDOWN ADDED
3. RAMP UP STEPDOWN ADDED
4. RAMP UP STEPDOWN ADDED
5. RAMP UP STEPDOWN ADDED
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