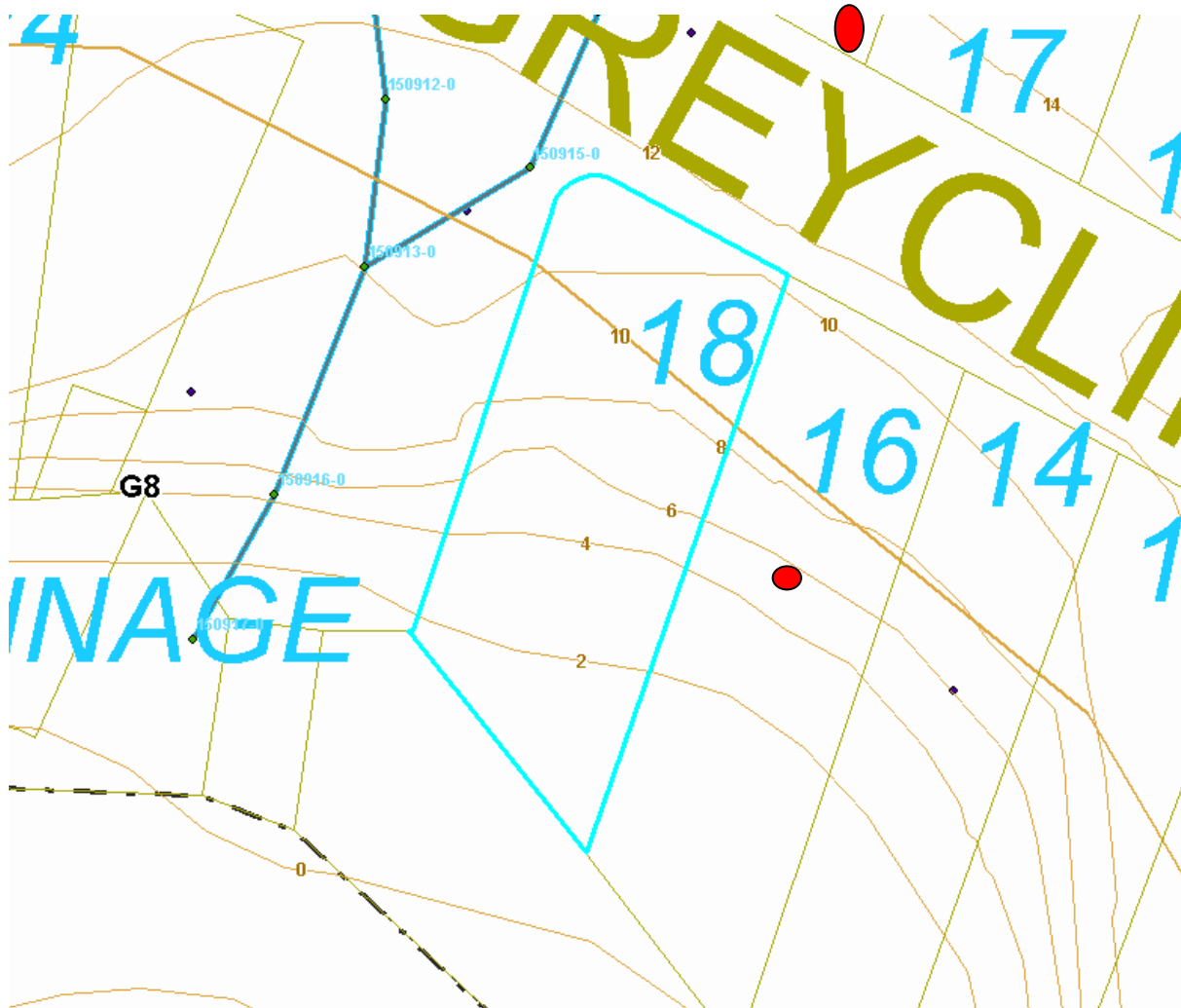


3.2**18 Greycliffe Street, Queenscliff – Alterations and Additions to an Existing Residential Flat Building and Strata Subdivision****DEVELOPMENT ASSESSMENT REPORT**

Assessment Officer:	Phil Lane
Address / Property	Lot CP SP 14967, 18 Greycliffe Street Queenscliff
Description:	Proposal: Alterations and additions to an existing residential flat building & strata subdivision
Development Application No:	DA2008/1572
Application Lodged:	13/11/2008
Plans Reference:	DA01 to DA 20 (Issue A), prepared by Choi Ropiha Architects
Amended Plans:	There are no Amended Plans for this application.
Applicant:	Choi Ropiha Architects, 3/1 The Corso, Manly, NSW 2095
Owner:	The Owners SP 14967
Locality:	G8 Queenscliff
Category:	Category One (Housing)
Variations to Controls (Cl.20/Cl.18(3)):	Housing Density, Building Height, Front Building Setback and Side Boundary Envelope
Referred to ADP:	One submission raising objection and estimated costs of works exceed \$1 million and the classification of the building in accordance with the Building Code of Australia – Class 2 (Residential Flat Building).
Referred to WDAP:	Not Applicable
Land and Environment Court Action:	Not Applicable
SUMMARY	
Submissions:	Two (1 submission supporting & 1 submission objecting)
Submission Issues:	Privacy, built forms controls, bulk and scale in relation to the adjoining residence (No.16 Greycliffe Street), solar access & inconsistency with the Desired Future Character.
Assessment Issues:	Clause 14 A (WLEP 2000), Desired Future Character, privacy, building bulk & built form controls
Recommendation:	Approval, subject to conditions
Attachments:	Plans and Pre-lodgements Notes

LOCALITY PLAN (not to scale)



1 = indicating objects



Subject Site:

Lot CP SP 14967, 18 Greycliffe Street Queenscliff.

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 5 July 2008). As a result, the application was notified by letter to 12 adjoining land owners and occupiers for a period of 14 calendar days commencing on 21 November 2008 and being finalised on 9 December 2008, furthermore, the application has been advertised within the Manly Daily on 22 November 2008 and a notice was placed upon the site.

SITE DESCRIPTION

The subject site is irregular in shape having a total area of 505.9sqm. The site falls approximately 12 metres from the north end in a southerly direction towards Manly Lagoon which immediately adjoins the southern boundary of the allotment. The site occupies a prominent “gateway” location at the intersection of Greycliffe Street and Bridge Road and is visually prominent when viewed from Queenscliff Bridge, Manly Lagoon Reserve, North Steyne and Manly Beach.

The site is currently occupied by a four (4) storey red brick residential flat building with a pitched tile roof containing 3 x 2 bedroom apartments and off street car parking accommodation for three (3) vehicles from both street frontages.



Viewed from the south on Queenscliff Bridge

Viewed from the north on the high side of Upper Greycliffe Street

RELEVANT BACKGROUND

On 17 September, 2008, a pre DA meeting was held for alterations and additions to a residential flat building to convert the existing building from three to two apartments and enlarge the building.

The main issue that arose from the meeting was the possible use of Clause 14 A (Warringah Local Environmental Plan 2000) if this was not satisfied then the built form controls for G8 Queenscliff locality would apply and need to be satisfactory addressed with applicable Clause 20 variation(s). This matter is addressed later in this report.

SITE HISTORY

Council's records indicate that the existing building was approved in 1957 via Building Approval No. C1166/57

PROPOSED DEVELOPMENT

The application proposes the adaptive reuse and conversion of the existing residential flat building which currently contains 3 x 1 level 2 bedroom apartments to 2 x larger 2 level apartments (3 bedrooms) through the reconfiguration and augmentation of floor space and changes to the form, massing and external detailing of the building generally.



Photomontage provided by the Applicant showing the proposed development when viewed from the south on Queenscliff Beach.

A significant portion of the existing building's fabric is to be retained with the existing floor plates being extended in a southerly direction to provide a greater level of articulation, modernisation and visual interest and improved levels of amenity to future occupants. The works will also reduce the finished parapet heights below the ridge level of the existing pitched roof form.

The new apartments are described as follows:

Apartment 1

Level 1 – RL 5.37

A formal entrance to the dwelling from the Bridge Road frontage, kitchen, living room, dining room, powder room and laundry. The living areas open onto a south facing balcony and deck area. Internal stair access is provided to the floor above.

Level 2 – RL 8.41

Consists of a library/sitting, office, three (3) bedrooms (the main with an ensuite) and bathroom. Access is provided from the main bedroom to a south facing balcony. Internal access is provided to a new double garage accessed from the Bridge Road frontage via a reconstructed driveway.

Apartment 2

Level 3

Contains a laundry, study, bathroom and three (3) bedrooms (the main bedroom with an ensuite). Access is provided from the main bedroom to a south facing balcony which links along the western edge of the building to bedroom No. 3.

Level 4

This level contains the formal entrance accessed via the Greycliffe Street frontage, kitchen, dining room, living room and powder room. Access is provided from the kitchen area to a large north facing terrace. Access is also provided from the kitchen area to a smaller south facing balcony. Internal access is also provided from this floor plate to a new double garage accessed from the Greycliffe Street frontage and to the floor plate below.

AMENDMENTS TO THE SUBJECT APPLICATION

There are no amended plans for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) SEPP No. 10 – Retention of Low Cost Housing
- d) SEPP No. 65 – Residential Flat Buildings
- e) SEPP No. 71 – Coastal Protection
- f) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- g) State Environmental Planning Policy (Infrastructure) 2007
- h) Warringah Local Environment Plan 2000
- i) Warringah Development Control Plan

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 5 July 2008). As a result, the application was notified by letter to 12 adjoining land owners and occupiers for a period of 14 calendar days commencing on 21 November 2008 and being finalised on 9 December 2008, furthermore, the application has been advertised within the Manly Daily on 22 November 2008 and a notice was placed upon the site.

As a result of the public exhibition process, two (2) submissions (one in objection and one in support) have been received from:

1. Confidential submission (in support)
 2. C. Watkinson, 16 Greycliffe Street, Queenscliff (in objection)
- The matters raised within the submissions are addressed hereunder:

Building height: *“The building is some 12.78 metres high above the ground level which is approximately 3 – 4 metres above natural ground level and it is 4 storeys high.”*

Comment: The proposed maximum building height is some 14 metres above natural ground level at its southern edge, however, it is important to note that this height only occurs for a limited part of the development (generally the south and south-eastern portions of the site) with the height of the development less than 8.5 metres along its northern elevation and less than 8.5 metres above the level of Queenscliff Bridge pavement to the west.

The subject site has a 33.9% slope located with the proposed footprint of the new addition to the existing building. Although the height control normally must be adhered to, it is noted that the site constraint imposed by the moderate to steep slope has resulted in this non-compliance. It is noted

that the building is compliant with the Building Height control (overall) at the northern end of the site.

The following observations are made with respect to building height:

- The heights proposed are commensurate with those already established by the existing building.
- The modernisation of the building through modulation facade articulation and visual interest provided through the design initiatives adopted will ensure that the development, by virtue of its height, bulk and scale relative to surrounding development and adjacent roads levels, will not be perceived as antipathetic in a streetscape or urban design context.
- The lowered and modified roof form will not impact upon any private or public views, noting that views from some properties will be enhanced as a consequence of the modified and lowered roof form.
- The height of the development will not give rise to any adverse affectation to the immediately adjoining property to the east.
- The height of the development will not give rise to any non-compliant shadowing impacts on the adjoining property to the east.

Whilst the development does not comply strictly with the development standard, this application provides for a significant reduction in the height (overall) of the existing building. In this regard, the height both overall and internally does not prevent compliance with any general principles of development control and remains consistent with the desired future character of G8 Queenscliff Locality.

Therefore, the objection in relation to height should not carry determining weight.

Overshadowing: Concerns were raised that the internal courtyard of the adjoining property to the east (No. 16 Greycliffe Street) will be overshadowed.

Comment: The assessment reveals that the development will not unreasonably reduce sunlight to surrounding properties. It is considered that a reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle for Access for Sunlight.

It is noted that the proposed works result in a reduction in the overall height of the existing building. Accordingly, the extent of the new elements of this development are not considered to unreasonably diminish the sunlight access to the residence to the east (No.16 Greycliffe Street). Therefore, in terms of overshadowing, the proposal is considered acceptable.

Privacy: Issues were raised with the new entry point (from Greycliffe Street) and windows on the eastern elevation particularly for Apartment 2.

Comment: The new entry point for Apartment No.2 located on Level 3 (RL12.95) on the eastern elevation has raised issues from No. 16 Greycliffe Street . Given that average eye height is 1650mm it has been assessed that there will be the potential for privacy issues for the adjoining courtyard (FFL9.79) of the adjoining residence's to the east from the occupants and visitors entering and exiting Apartment 2. A condition will be incorporated that privacy screens are to be installed on the southern elevation and to the eastern elevation for a maximum distance of 3000mm adjacent to the entry.

Further, window No. 24 which is adjoining the entry and window No.23A which is on Level 4 (RL11.36) within bedroom No.2 are to be treated with obscured glazing to ensure privacy to the adjoining courtyard (RL9.79) within the residence at No. 16 Greycliffe Street. It is noted that

window No. 26 above the entry is located within a void space and is not readily accessible and is not required to be conditioned.

Finally, the windows on the eastern elevation for Level 2 (FFL 8.41) + 1.65m average eye height (10.06RL) will not require any treatment as the adjoining courtyard (FFL9.79) and the attached privacy louvers at No. 16 Greycliffe Street are higher than a person standing within the proposed building on Level 2.

Therefore, subject to the privacy measures discussed above, the concerns in relation to privacy do not warrant refusal of the application.

Bulk and scale: The objector stated that; *"In conclusion I feel that the new development will be inconsistent with council guidelines in terms of the bulk and scale of the proposal and inconsistent with the height of the property No. 16 Greycliffe Street."*

Clause 66 Building Bulk of WLEP 2000 states the following objectives:

"In particular:

- side and rear setbacks are to be progressively increased as wall height increases;*
- large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief; and*
- appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works."*

In this regard the proposed building has the follow attributes:-

- The building modulation, facade articulation and visual interest provided through the design initiatives adopted will ensure that the development, by virtue of its height, bulk and scale relative to surrounding development and adjacent roads levels, will not be perceived as antipathetic in a streetscape or urban design context.

The proposed bulk and scale of proposed residential flat building is consistent with the scale both of the adjoining residence to the east (No. 16 Greycliffe Street) and residences and other residential flat buildings within the vicinity.

MEDIATION

No mediation was requested for this application.

LAND AND ENVIRONMENT COURT ACTION

No court action has been commenced for this application.

REFERRALS

External Referrals

NSW Department of Planning

Comments: *"As the proposal in this development application does not involve development within 100 metres below mean high water mark, there is no referral role for the Department under Part 3, Clause 11 of SEPP 71. Accordingly, no further action will be taken by the Department with regard to DA number 2008/1572 at this time."*

Internal Referrals

Development Engineers:

Comments: *“Development Engineers raise no objections to the release of the DA subject to the following conditions of consent.”*

Natural Environment:

Comments: *“No objection is raised in relation to the proposed development in terms of flooding, riparian, or flora fauna considerations.*

Council’s stormwater infrastructure exists in close proximity to the site (western side). A suitable standard condition should be imposed to ensure that the applicant shall bear any restoration costs if any damage is incurred”

A suitable condition has been imposed in this regard.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.

Section 79C 'Matters for Consideration'	Comments
	<p>In summary, the proposal is satisfactory with respect to environmental issues contained in the general principles.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the residential character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	<p>The site is considered suitable for the proposed development in relation to the slope of the land and the size and scale of this proposed building. The existing vehicular access points will be maintained from Bridge Street and Undercliffe Street allowing for the provision of off-street parking. Drainage will be maintained to Manly Lagoon and views from adjoining and nearby properties will be maintained and in some instances enhanced with the reduction in the overall height of the proposed building.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>See discussion on “Public Exhibition” in this report.</p>
Section 79C (1) (e) – the public interest	<p>No matters have arisen that would justify the refusal of the application in the public interest. The proposal demonstrates consistency with planning controls under the WLEP 2000. The improved building will add enrichment to the existing streetscape with good urban design outcomes, enhanced landscaping and finishes which are consistent with the Desired Future Character and the vicinity of Lower Greycliffe Street.</p>

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. All required BASIX commitments have been noted on the application plans. Furthermore a condition of

consent has been imposed requiring compliance with the requirements of the applicable BASIX certificate.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

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

State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development (SEPP 65)

SEPP 65 applies to new residential flat buildings, substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

However, Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposed development is four (4) storeys in height, however it contains only two (2) self-contained dwellings, therefore SEPP65 is not applicable for to application.

SEPP No. 71 – Coastal Protection

The subject site has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C (a) (i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection apply. The application was referred to The NSW Department of Planning who advised that in accordance with Clause 9 (1) (c) of SEPP 71 the application did not require concurrence as it was not:

(c) development within 100m below mean high water mark of the sea, a bay or an estuary.”

Notwithstanding that concurrence is not required in this instance, Clause 7 (b) of the SEPP states:

“ The matters for consideration set out in clause 8:

(b) Are to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies.”

Accordingly, for development within the coastal zone, the consent authority must consider the ‘Matters for Consideration’ described in Clause 8 and the provisions of Part 4 (Development Control) when it determines a development application to carry out development on land to which this Policy applies. The matters for consideration are addressed as follows:

Matters for Consideration	Comment	Complies
<p>(a) The aims of the policy</p> <p>This Policy aims:</p> <p>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</p> <p>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p>	<p>The proposal is considered consistent with the aims of the policy.</p>	<p>YES</p>
<p>(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved</p>	<p>The public access to the foreshore is not altered by the proposal.</p>	<p>YES</p>
<p>(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability</p>	<p>The proposal is for alterations and additions to an existing residential flat building and does not have potential to provide new public access to the foreshore.</p>	<p>YES</p>
<p>(d) The suitability of development given its type, location and design and its relationship with the surrounding area</p>	<p>The proposal is considered suitable for the subject site.</p>	<p>YES</p>
<p>(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore</p>	<p>The increase in overshadowing as a result of the proposal is considered minor. There is no significant loss of view from public places as a result of the proposal.</p>	<p>YES</p>
<p>(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities</p>	<p>The proposal is not considered to detract from the scenic qualities of the New South Wales coast.</p>	<p>YES</p>

(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats	The site is in an urban area and contains an existing residential flat building. There is no remanent native vegetation or potential habitat for threatened species on the subject site, as such measures to conserve animals, plants or their habitat are not required.	YES
(h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	The site is in an urban area and contains an existing residential flat building. The proposal is for alterations and additions to the building and additional measures to conserve fish and marine vegetation are not required.	YES
(i) Existing wildlife corridors and the impact of development on these corridors	The site is an existing allotment in an urban area. The proposal does not significantly impact any existing wildlife corridors.	YES
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The proposal being alterations and additions to an existing residential flat building is not considered to increase the likely impacts of coastal processes and coastal hazards to the development. Furthermore, it is considered that the proposal does not significantly alter the existing impacts of the development on coastal processes and coastal hazards	YES
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities	There are no large water based activities in the area and the subject site is an existing allotment in a residential urban area. Therefore the proposal does not require measures to reduce the potential for conflict between land-based and water based coastal activities.	YES
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	The proposal is not in the vicinity of any know aboriginal sites and does not require any specific measures for the preservation of cultural places, values, customs or beliefs.	YES
(m) Likely impacts of development on the water quality of coastal waterbodies	The proposal actually decreases the current level of impervious surfaces on the site and therefore does not increase the stormwater runoff entering Manly Lagoon. Therefore the proposal is unlikely to create any additional impact to water quality.	YES
(n) The conservation and preservation of items of heritage, archaeological or historic significance	The subject site is not in the immediate vicinity of any known items of heritage, archaeological or historic significance.	YES
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Council has not prepared a draft LEP that specifically applies to the site in regards to compact towns and cities.	YES
(p) Only in cases in which a development application in relation to proposed development is determined:	The cumulative impacts of the proposal are considered acceptable.	YES

<p>(i) the cumulative impacts of the proposed development on the environment, and</p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient</p>	<p>The development is considered satisfactory in relation to water and energy usage. A BASIX certificate has been submitted addressing the energy and water efficiencies.</p>	
<p>S13) A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.</p>	<p>The proposal does not attempt to allow development within a zone to be consented to as if it were in a neighbouring zone.</p>	<p>YES</p>
<p>S14) A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.</p>	<p>The proposal is unlikely to result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.</p>	<p>YES</p>
<p>S15) The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.</p>	<p>The proposal does not involve a non-reticulated effluent disposal system that will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.</p>	<p>YES</p>
<p>S16) The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.</p>	<p>It is considered that the proposed development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.</p>	<p>YES</p>

Regional Environment Plans (REPs)

No REP's are applicable

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

2 Desired Future Character (DFC)

The subject site is located in the G8 Locality under Warringah Local Environmental Plan 2000.

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

The Queenscliff locality will remain characterised by a mix of detached style housing and apartment buildings in landscaped settings interspersed by complementary and compatible uses. The development of new apartment buildings will be restricted to the medium density areas shown on the map.

The quality of existing development in the Queenscliff locality is inconsistent and suffers as a result of poorly designed buildings which failed to respond to the prominence and natural qualities of this coastal headland and its relationship to the surrounding public spaces including nearby beaches and the parklands surrounding Manly Lagoon. Future development will be of an improved standard of designed that addresses public streets and spaces, integrates with the landscape and topography, including rock outcrops and remnant bushland, and complements long distance views of the locality.

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 opportunities for further development in Queenscliff will be limited

The land bound by Queenscliff Road, Pittwater Road and the public access way which links Queenscliff Road, may be developed for apartments. Development on this land will be designed to minimise view loss from residences to the north and will maintain a view corridor through the site to Manly Lagoon. Development will present as two storeys when viewed for the section of Queenscliff Road shown in Diagram 8.1 available from the office of the Council, with any storey above being set back and providing the absolute height for the site. The bulk of the buildings will be reduced through stepping the building down the site and avoiding long continuous top floors. It is intended that vehicle access to Queenscliff Road will be shared with 166 Queenscliff Road and 366 Pittwater Road.

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

The proposed development is defined as “housing” pursuant to Clause 6 (Definitions) of WLEP 2000 and as such is identified as Category 1 development in this locality.

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, the proposed development results in non-compliances with the Housing Density, Building Height, Front Building Setback, Side Boundary Envelope and Side Setback Built Form Controls and as such pursuant to Clause 20(1) a higher test, i.e. a test of consistency against the Locality’s DFC is required.

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

Requirement 1: *“The Queenscliff locality will remain characterised by a mix of detached style housing and apartment buildings in landscaped settings interspersed by complementary and compatible uses. The development of new apartment buildings will be restricted to the medium density areas shown on the map.”*

Consistency: The proposed development maintains an existing residential flat building on the site within a landscaped setting.

Requirement 2: *The quality of existing development in the Queenscliff locality is inconsistent and suffers as a result of poorly designed buildings which failed to respond to the prominence and natural qualities of this coastal headland and its relationship to the surrounding public spaces including nearby beaches and the parklands surrounding Manly Lagoon. **Future development will be of an improved standard of designed that addresses public streets and spaces, integrates with the landscape and topography, including rock outcrops and remnant bushland, and complements long distance views of the locality.***

Consistency: The proposed alterations and additions to upgrade the architectural, urban design and amenity of this existing building stock are considered to provide significant improvements to this area. The design of the works integrates with the coastal headland environment, and the additions are considered to provide additional levels of articulation which is considered to be complementary to the site and locality when viewed from afar.

Requirement 3: *The land bound by Queenscliff Road, Pittwater Road and the public access way which links Queenscliff Road, may be developed for apartments. Development on this land will be*

designed to minimise view loss from residences to the north and will maintain a view corridor through the site to Manly Lagoon.

Consistency: The site is not located within the land boundary identified above.

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

Built Form Controls (Development Standards)

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

Built Form Standard	Required	Proposed Development	Compliance
Housing Density	1 Dwelling per 450sqm	1 Dwelling per 252.95sqm	No, clause 20 variation
Building Height (Minimum floor to ceiling height (7.2m) & overall height (8.5m))	8.5m overall	14.2m southern elevation (maximum), 7.95m northern elevation (maximum)	No, clause 20 variation
	7.2m minimum floor to ceiling height	13.7m southern elevation, 8.4m northern elevation	No, clause 20 variation
Side Boundary Envelope	5 metres and 45 degrees (within)	5 metres and 45 degrees Eastern and Southern Boundaries (outside)	No, clause 20 variation
Front Building Setback	6.5m (Greycliffe Street – primary frontage),	1.35m (Greycliffe Street – garage),	No, clause 20 variation
	3.5m (Bridge Road – secondary frontage)	2.9m (Bridge Street – main building)	No, clause 20 variation
Side Setback	0.9m	Eastern (1.6m)	Yes
		Southern (1.75)	Yes
Landscaping	40% (202.4sqm)	41.3% (208.9sqm)	Yes
Rear Building Setback	The rear building setback does not apply to corner allotments.	Not Applicable	Not Applicable

The proposed development does not comply with the Locality's Housing Density, Building Height, Front Building Setback and Side Boundary Envelope Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

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 consistent with of 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 is 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).

Description of variations sought and reasons provided:

Housing Density

Required: 1 dwelling per 450sqm

Proposed: 1 dwelling per 252.95sqm

Response: The site has an area of 505.9sqm. The property is currently occupied by a residential flat building containing three (3) dwellings representing a density of 1 dwelling per 168.63sqm. The proposal results in a reduction the number of dwellings from 3 dwellings to 2 dwellings such that the density proposed as a consequence of the application is 1 dwelling per 252.95sqm.

Whilst this does not comply with the development standard, this application provides for a significant reduction in the density on this site. In this regard, the density proposed does not prevent compliance with any general principles of development control and is consistent with the desired future character of the G8 Queenscliff Locality. Additionally, the proposal satisfies Clause 8 considerations contained within SEPP No.71 – Coastal Protection.

As such it is demonstrated that the proposed density will not give rise to any unacceptable impacts having regard to the applicable general principles of development control and is not inconsistent with the desired future character statement.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1) and it is for these reasons that the variation to the Housing Density Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

Building Height

Required: 8.5m (overall) & 7.2m (minimum floor to ceiling height)

“The objectives of building height development controls are to:

- *ensure that development does not become visually dominant by virtue of its height and bulk,*
- *preserve the amenity of surrounding land,*

- *ensure that development responds to site topography and minimises excavation of the natural landform*
- *provide sufficient area for roof pitch and variation in roof design rather than a flat roof."*

Proposed: Overall = 14.2m southern elevation (maximum), Overall = 7.95m northern elevation (maximum) & Internal = 13.7m southern elevation, Internal = 8.4m northern elevation

Response: The proposed maximum height of the building is some 14 metres above natural ground level at its southern edge, however, it is important to note that this height only occurs for a very limited part of the development with the height of the development less than 8.5 metres along its northern elevation and less than 8.5 metres above the level of Queenscliff Bridge pavement to the west.

The current site has a 33.9% slope across the proposed footprint of the building. Although the height control normally must be adhered to, it is noted that the site constraint imposed by the moderate to steep slope have resulted in this non-compliance. It is noted that the building is compliant with the Building Height control (overall) at the northern end of the site.

The building modulation, facade articulation and visual interest provided through the design initiatives adopted will ensure that the development, by virtue of its height, bulk and scale relate to the surrounding development and adjacent road levels, will not be perceived as antipathetic in a streetscape or urban design context. Additionally, the proposal has the following attributes: -

- The heights proposed are commensurate with those established by the existing building.
- The lowered and modified roof form will not impact upon any private or public views, noting that views from some properties will be enhanced as a consequence of the modified and lowered roof form.
- The height of the development will not give rise to any adverse affectation to the immediately adjoining property to the east.
- The height of the development will not give rise to any non-compliant shadowing impacts on the adjoining property to the east.

Whilst the development does not comply strictly with the development standard, this application provides for a significant reduction in the height (overall) of the existing building. In this regard, the height both overall and internally does not prevent compliance with any general principles of development control and remains consistent with the desired future character of G8 Queenscliff Locality.

As such it is demonstrated that the proposed height (overall) will not give rise to any unacceptable impacts having regard to the applicable general principles of development control and is not inconsistent with the desired future character of the locality.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Building Height Built Form Control (overall and minimum floor to ceiling height) . It is for these reasons that the variation to the Building Height Built Form Control (overall and minimum floor to ceiling height) Development Standard pursuant to Clause 20(1) is supported.

Side boundary envelope

Required: Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 5 metres above natural ground level at the side boundaries.

The objectives of the side boundary envelope control are:

- *ensure that development does not become visually dominant by virtue of its height and bulk,*
- *preserve the amenity of the surrounding land,*
- *ensure that development responds to site topography,*
- *provide separation between buildings,*
- *provide opportunities for landscaping, and*
- *create a sense of openness.*

Proposed: 5 metres at 45 degrees outside the envelope projected from the southern and eastern boundaries.

Response: The subject site has a 33.9% slope located with the proposed footprint of the new addition to the existing building. Although the side boundary envelope control normally must be adhered to, it is noted that the site constraint imposed by the moderate to steep slope have resulted in this non-compliance. It is noted that the building is compliant with the Building Height control (overall) at the northern end of the site.

It is noted that the proposed development does not comply with the side boundary envelope control as it applies to the southern and eastern elevations, involving encroachments of up to 3.9 metres for a length of 10.7 metres on the eastern elevation and up to 4.4 metres for a length of 9.2 metres on the southern elevation. The proposal is considered to mitigate the effects of this non-compliance with the introduction of stepped facades and roof profiles that are considered to reduce the visual dominance of the proposal when viewed from adjoining properties and from the public domain.

The proposal additionally exhibits an angled setback to the rear when viewed from the street and public domain, addressing the streetscape and giving visual relief. Additionally, the site adjoins a public reserve and Manly Lagoon located on the southern edge of the site which allows for adequate visual and spatial separation.

The proposal is considered to be of a similar architectural scale to the adjoining dwelling and other buildings within the vicinity, and is of a similar visual bulk and is considered acceptable in terms of the General Principle for Building Bulk. Additionally, the proposal provides adequate separation between buildings creating a sense of openness.

Accordingly, the variation to the side boundary envelope built form control is supported under Clause 20 of WLEP 2000.

Front Building Setback

Required: *"The minimum front building setback is 6.5 metres. On corner blocks or blocks with double street frontage the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or on allotments constrained by the location and use of existing buildings or the topography, if it is for the provision of carparking."*

The objectives of front building setback controls are to:

- *create a sense of openness,*
- *provide opportunities for landscaping,*
- *minimise the impact of development on the streetscape,*
- *maintain the visual continuity and pattern of buildings, front gardens and*
- *landscape elements, and*

- *the provision for corner allotments relates to street corners.*

Proposed: 1.35m (Greycliffe Street (primary frontage – garage), 2.9m (Bridge Street (secondary frontage – main building))

Response: The majority of the new works maintain the setbacks established by the existing building with the additional built form elements, being those works located generally to the south of the existing building and providing for increased setbacks to Bridge Road frontage as the building continues towards Manly Lagoon. It is considered that the setbacks afforded to both street frontages provide appropriately for landscape opportunities with highly articulated and visually interesting facade treatments ensuring that the building enhances, rather than dominates the streetscape and provides for a strong and robust architectural form commensurate with that which would be expected in such a prominent “gateway” location.

As such it is demonstrated that the proposed front setbacks will not give rise to any unacceptable impacts having regard to the applicable general principles of development control and is not inconsistent with the desired future character of the locality.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Front Setback Built Form Control. It is for these reasons that the variation to the Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

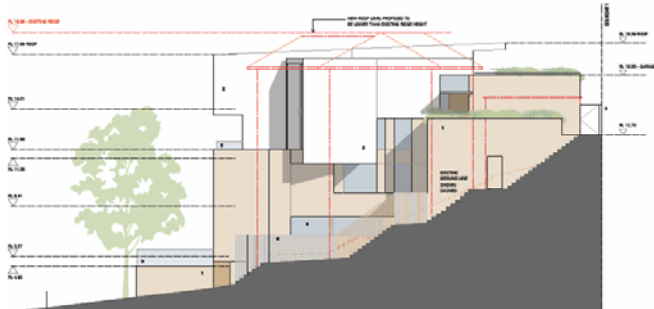
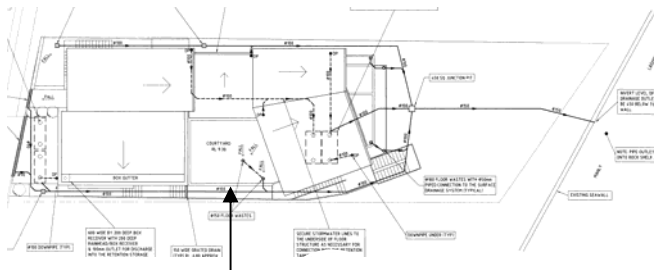

3 General Principles Of Development Control


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	The development will not result in overspill or glare from artificial illumination, or sun reflection, and will not unreasonably diminish the amenity of the locality. The development is satisfactory in addressing the General Principle. A condition will be incorporated to minimise reflectivity to adjoining and properties above the subject site.	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 works should not result in any adverse impacts upon the surrounding traffic movements or existing safety of pedestrians in and around the site given the minor nature of the works. Relevant conditions of consent have been imposed in this regard.	YES, subject to conditions
CL43 Noise	YES	A condition of consent has been imposed requiring all noise emissions to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and these works must also comply with the provisions of the Protection of the Environment Operations Act 1997.	YES, subject to conditions
CL44 Pollutants	NO	No Comment	N/A
CL45 Hazardous Uses	NO	No Comment	N/A


General Principles	Applies	Comments	Complies
CL46 Radiation Emission Levels	NO	No Comment	N/A
CL47 Flood Affected Land	YES	The subject site is identified as being located within a Council established 1 in 100 year ARI flood plain. The proposed development will not reduce the flood storage area or impact upon existing flood regime as the works are located above 1 in 100 year flood event plus 500mm in accordance with this clause.	YES, subject to conditions
CL48 Potentially Contaminated Land	YES	The site has been used for residential purposes for over fifty (50) years and based on this use is unlikely to be contaminated.	YES
CL49 Remediation of Contaminated Land	NO	No Comment	N/A
CL49a Acid Sulfate Soils	YES	The site is identified is Type 5 Acid Sulphate Soils. The geotechnical report supplied by the applicant from Douglas Partners stated the sampling did not indicate any traces of acid sulphate soils present. Due to the siting of the proposed works, it is considered that any excavation for this site is unlikely to lower the watertable below 1 metre AHD on the adjacent Class 1, 2, 3 or 4 lands. Nevertheless, a condition will be incorporated to ensure that adequate measures are in place if these soils are encountered during the construction phase.	YES, subject to conditions
CL50 Safety & Security	YES	The proposed development addresses both street frontages and provides for adequate levels of casual surveillance from the internal living and outdoor entertaining areas of both dwellings.	YES
CL51 Front Fences and Walls	YES	The proposed works include a new 1.8m high rendered masonry fence along Bridge Road (western boundary). This style of fence provides adequate opportunity of casual surveillance to street front and has been designed to integrate into the existing streetscape and street setback. As such the proposal complies with the provisions of Clause 51 of WLEP 2000.	YES
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	The rear of the residences will front the adjoining public open space to the south. Public access to this open space is maintained and the connection between the proposed apartments will allow for casual surveillance of this area without the privatisation of the adjoining public open space.	YES
CL53 Signs	NO	No Comment	N/A
CL54 Provision and Location of Utility Services	YES	The site is satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. The development meets the requirements of Clause 54 of WLEP2000.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A
CL56 Retaining Unique Environmental Features on Site	YES	The proposal will retain some of the existing trees and shrubs located within the north-western corner, western and eastern sides of the site. This will ensure compliance with this clause.	YES
CL57 Development on Sloping Land	YES	The objective of this general principle is to reduce the impact of development on sloping land and to minimise the extent of excavation and fill required by the development to step down the site. The topography of the site falls steeply at the rear	YES

General Principles	Applies	Comments	Complies
		toward Manly Lagoon. The general bulk and envelope of the building when viewed from Greycliff Street the public open space and Manly Lagoon and Queenscliff Beach is considered satisfactory and is compatible with the adjoining and nearby buildings on the low side of Greycliffe Street. The proposed works include an extension to the rear of the building, internal alterations and improved facades.	
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
CL61 Views	YES	The proposed design has taken into careful consideration the retention of view lines from upslope properties over the subject property. The reduced height associated with the change from the existing pitched roof form to a skillion roof form has been supported by surrounding residents through the notification of the application. It is considered that reasonable sharing of views is achieved and the proposal is satisfactory in addressing this clause.	YES
CL62 Access to sunlight	YES	The development does not unreasonably reduce sunlight to surrounding properties. It is considered that reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle. It is noted the proposed works decrease the overall height of the existing building. Accordingly, the extent of the new elements of this development are not considered to unreasonably diminish the sunlight access to other adjoining developments and is acceptable.	YES
CL63 Landscaped Open Space	YES	It is considered that the proposed development provides an appropriate level of landscaped open space to ensure that the development contributes positively to the amenity of the site for its users and the visual and scenic amenity of the locality.	YES
CL63A Rear Building Setback	NO	No Comment	N/A
CL64 Private open space	YES	This general principle seeks to ensure that housing provides a useable area of outdoor private open space per dwelling. The control specifically requires a minimum of 10m ² for apartment style housing with minimum dimensions of 2.5m. The existing residential flat building provides no areas for any of the units which could be considered private open space. Apartment 1 – 2 x south facing balconies Level 1 approx. 38.25m ² + 25.9 m ² = 64.15 m ² ; Level 2 approx. 5.2m ² ; Apartment 1 adjoins the open space next to Manly Lagoon, which allow for compliance with this clause. Apartment 2 – 1 x north facing terrace approx. 32.49m ² ; 2 x south facing balconies Level 3 approx. 20.00m ² ; Level 4 approx. 15.93m ² Total approx. 68.44m ² The proposal complies with the requirements of Clause 64.	YES
CL65 Privacy	YES	This general principle seeks to ensure that visual privacy to and from the site is protected and that development does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining dwellings.	YES, subject to conditions

General Principles	Applies	Comments	Complies
		<p>A submission was received from the owners of the adjoining property to the east at No. 16 Greycliffe Street. The submission raises concerns about the privacy from the new entrance from Greycliffe Street for Apartment No.2 and the windows on the eastern elevation.</p>  <p>Proposed eastern elevation</p>  <p>The location of the adjoining courtyard at No.16 Greycliffe Street.</p>  <p>Current overlooking situation</p> <p>The new entry point for Apartment No.2 located on Level 3 (RL12.95) on the eastern elevation has raised issues from No. 16 Greycliffe Street. Given that average eye height is 1650mm it has been assessed that there will be the potential for privacy issues for the adjoining courtyard (FFL9.79) of the adjoining residence's to the east from the occupants and visitors entering and exiting Apartment 2. A condition will be incorporated that privacy screens are to be installed on the southern elevation and to the eastern elevation for a maximum distance of 3000mm adjacent to the entry.</p> <p>Window No. 24 adjoining the entry and window No.23A on level 4 (RL11.36) within bedroom No.2 are to be treated with</p>	

General Principles	Applies	Comments	Complies
		<p>obscured glazing to ensure privacy to the adjoining courtyard (RL9.79) within the residence at No. 16 Greycliffe Street. Window No. 26 above the entry is located within a void space and is not readily accessible and is not required to be conditioned.</p>  <p>Western facade No. 16 Greycliffe Street</p> <p>The windows on the eastern elevation for Level 2 (FFL 8.41) + 1.65m average eye height (10.06RL) will not require any treatment as the adjoining courtyard (FFL9.79) and the existing privacy louvers affixed to this residence's at No. 16 Greycliffe Street are higher than a person standing within the proposed building on Level 2.</p>	
CL66 Building bulk	YES	<p>This general principle seeks to ensure that development does not dominate the streetscape by virtue of its bulk or is inconsistent with the scale of nearby development.</p> <p>The development is considered to have a visual bulk and an architectural scale consistent with structures on adjoining and nearby land and does not visually dominate the street or surrounding spaces. The development is consistent with the predominant pattern and scale of development in the immediate locality.</p>	YES
CL67 Roofs	YES	<p>The proposed roof form will complement the local skyline and is integral to the style of the building. The proposal will satisfy the objective of the General Principle.</p> <p>Accordingly, the proposed flat skillion roof form is considered acceptable as it keeps the bulk of the structure minimised and reduces the overall height of the building which contributes to a site responsive design.</p> <p>Photomontage of the proposed roof form when viewed from Upper Greycliffe Street</p>	NO



General Principles	Applies	Comments	Complies
			
CL68 Conservation of Energy and Water	YES	A BASIX Certificate has been lodged with the application and deemed to be satisfactory in addressing energy conservation and compliance with this clause.	YES, subject to conditions
CL69 Accessibility – Public and Semi-Public Buildings	NO	No Comment	N/A
CL70 Site facilities	YES	The proposed apartments will each have an internal laundry which is an improvement over the existing situation with the common laundry located within the existing subfloor. Garbage and recycle bins can be stored in the garage of each apartment.	YES,
CL71 Parking facilities (visual impact)	YES	The location of the parking for the site maintains the existing off-street carparking with access afforded from both the Bridge Road and Greycliffe Street frontages. The garages are integrated into the existing and proposed building; general compliance is demonstrated with this clause.	YES
CL72 Traffic access & safety	YES	The site maintains two (2) separate vehicle access points along the northern and western boundaries of the site. In addition, separate pedestrian access is provided from the northern and western sides of the site. This is considered to adequately address traffic and pedestrian safety on the site.	YES
CL73 On-site Loading and Unloading	NO	No Comment	N/A
CL74 Provision of Carparking	YES	<p>The existing building contains 3 x 2 bedroom units with a total car parking requirement of 3 resident car spaces and no visitor car space is currently provided onsite. The site currently makes provisions for only 3 car spaces.</p> <p>The proposed works reduces the number to 2 apartments within the building; however there will be 3 bedrooms in each apartment. This would require 3 resident car spaces. The proposed works increase the existing on site parking by 1 space by increase the garage from Greycliffe Street (Level 2) to a double garage which will allow for a total of 4 car spaces.</p> <p>The proposal is therefore considered acceptable in terms of parking provision and the site is well serviced by public transport.</p>	YES
CL75 Design of Carparking Areas	YES	The existing situation in relation to off-street parking will remain, expect for the enlargement of the garage off Bridge Street allowing the provision of 2 vehicles from 1 within the current form. The proposed density for the site has been reduced with the number of apartments been reduced from 3 to 2, thou the intensity of the site will remain the same, requiring 3 vehicles. Nevertheless, the proposal will satisfy	YES

General Principles	Applies	Comments	Complies
		the requirements of this general principle.	
CL76 Management of Stormwater	YES	The proposal has been reviewed by Councils Development Engineers and there were no objections subject to conditions of consent.	YES, subject to conditions
CL77 Landfill	NO	No Comment	N/A
CL78 Erosion & Sedimentation	YES	The proposal has been reviewed by Councils Development Engineers and there were no objections subject to conditions of consent.	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
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

- **Category Of Development: One (1) Housing 14A How is existing Category One or Category Two development dealt with?**

The pre-DA determined that the proposed development might fall under the provisions of Clause 14A, provided it satisfied the requirements of that Clause. The critical sections of Clause 14A are as follows:

“(4) Despite clauses 12 (2) (b) and (3) and 20 (1) and (3), the consent authority may consent to the carrying out of development to which this clause applies, but only if the consent authority is satisfied that the development:

(a) is of minor environmental impact, and

(b) does not, to any significant extent, alter the bulk, size or scale of any existing building or existing land use, and

(c) results in an improvement to the existing character of the locality in which it occurs, and

(d) is confined to the current lot (or lots) on which the existing Category One development or existing Category Two development is being carried out.”

The applicant was advised that if the proposal did not satisfy the provisions of Clause 14A, then the proposal would be assessed against the applicable Built Form Controls contained within G8 – Queenscliff Locality and Clause 20 variations would have to be submitted and assessed accordingly.

Planning Principle(s)

“Demolition - The extent of demolition - alterations and additions or a new building”

“A development application to alter and add to a building will be taken to be that relating to a new building where more than half of the existing external fabric of the building is demolished.”

The proposal will maintain a majority of the existing fabric; therefore, this planning principle does not apply.

SCHEDULES

Schedule 8 - Site analysis

3.1 Site Analysis	A Site Analysis Plan was submitted with application and is considered sufficient.
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Schedule 17 - Carparking Provision

3.2 Carparking Provision	<p>The existing building contains 3 x 2 bedroom units with a total car parking requirement of 3 resident car spaces and no visitor car space is currently provided onsite. The site currently makes provisions for only 3 car spaces.</p> <p>The proposed works reduces the number to 2 apartments within the building; however there will be 3 bedrooms in each apartment. This would require 3 resident car spaces. The proposed works increase the existing on site parking by 1 space by increase the garage from Greycliffe Street (Level 2) to a double garage which will allow for a total of 4 car spaces.</p> <p>The proposal is therefore considered acceptable in terms of parking provision and the site is well serviced by public transport.</p>
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POLICY CONTROLS

Warringah Section 94A Development Contribution Plan (adopted 14 November 2006)

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

The following monetary contributions are applicable:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$	1,500,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$14,250	Rams
S94A Planning and Administration	0.05%	\$750	Rams
Total	1.0%	\$15,000	

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 of relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

Council received a request under the provisions of Clause 20 of the WLEP 2000 for variation to the front building setback, building height, housing density and side building envelope. This submission demonstrates that the proposal is consistent with the desired future character statement for the G8 locality and is consistent with the general principles of development control and so a variation to these development standards can therefore be supported.

Additionally, the proposal demonstrates the following:

- Modernisation of the built form
- Significant improvement in architectural merit
- Improved views
- Improved private open space
- Improved streetscape
- Reduction in density and height
- Improved streetscape

In terms of the proposals non-compliance with the front building setback, side boundary envelope, housing density and building height (overall and minimum floor to ceiling height), these matters have been discussed and considered within the report. The proposal overall is consistent with the built form of development within the vicinity of the site and is consistent with character of development in the locality. In light of this assessment, the variations in relation to the built form controls have been supported within this review.

In conclusion, the proposal represents a development that is consistent with the size, scale and character of surrounding development. It will not materially adversely affect the amenity of surrounding properties and contains a high standard of architectural merit incorporating good thermal design elements. The proposal is therefore recommended for approval on the basis that the proposed alterations and additions will have no significant effect upon the amenity of adjoining residents in terms of overshadowing, views, daylight or ventilation or on the existing streetscape. The issue in relation to privacy has been addressed and a condition will be incorporated to ensure adequate levels of privacy are maintained for the adjoining residence to the east known as No. 16 Greycliffe Street, Queenscliff.

No.6 Privacy Screen

In order to maintain privacy to the adjoining property to the east, a 1.8 metre high privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost southern edge and on the eastern edge for a minimum distance of 3 metres of the entry garden/planter (level 3) located off the entry as shown on the approved plans listed in

Condition No 1 of this consent. The privacy screen shall be constructed of fixed panels or louvre style construction, in materials consistent in design colour and texture to the approved development.

Full details demonstrating compliance with this condition shall be detailed in the plans submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: *Protection of privacy and amenity*

The proposed development satisfies the appropriate controls, all processes have been followed and the submission raised in objection has been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

RECOMMENDATION (APPROVAL)

- A. That Development Application No. DA2008/1572 for alterations and additions to an existing residential flat building & strata subdivision at Lot CP SP 14967, 18 Greycliffe Street, Queenscliff subject to the following conditions.
- B. That pursuant to Section 95(2) of the Environmental Planning Assessment Act 1979, the Council vary the provisions of Section 95(1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Issue	Date	Prepared by
DA04	A	13.11.08	Choi Ropiha Architect
DA05	A	13.11.08	Choi Ropiha Architect
DA06	A	13.11.08	Choi Ropiha Architect
DA07	A	13.11.08	Choi Ropiha Architect
DA08	A	13.11.08	Choi Ropiha Architect
DA09	A	13.11.08	Choi Ropiha Architect
DA10	A	13.11.08	Choi Ropiha Architect
DA11	A	13.11.08	Choi Ropiha Architect
DA12	A	13.11.08	Choi Ropiha Architect
DA13	A	13.11.08	Choi Ropiha Architect
DA14	A	13.11.08	Choi Ropiha Architect
DA15	A	13.11.08	Choi Ropiha Architect
DA19	A	13.11.08	Choi Ropiha Architect

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

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: *To ensure compliance with the approved development.*

4. New Development Application Required

This consent is for alterations and additions to the existing building only. If during the course of certification, demolition or construction, the remaining fabric of the building is removed or demolished a new development application will be required and relevant planning controls including BASIX will apply.

Reason: *To ensure compliance with the approved plans.*

5. Geotechnical Engineers Report

The recommendations contained in the Preliminary Geotechnical Engineers Report by Douglas Partners, dated 10 November 2008 are to be implemented in the course of excavation and construction.

Reason: *To ensure the protection of adjoining properties.*

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

6. Privacy Screen

In order to maintain privacy to the adjoining property to the east, a 1.65 metre high privacy screen (measured from finished floor level) is to be erected on the outermost southern edge and on the eastern edge of the retaining wall forming the entry garden/planter adjacent the "Entry" to Apartment 2 at FFL 12.95. The screen shall extend for a minimum distance of 3 metres on the eastern edge. The privacy screen shall be of fixed panels or Louvre style construction, in materials consistent with the character, design and external appearance of the building.

Full details demonstrating compliance with this condition shall be detailed in the plans submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: *Protection of privacy and amenity*

7. BASIX Certification

The development shall fully comply with the schedule of BASIX Commitments specified within BASIX Certificate No. A46408. Plans and specifications that reflect those commitments identified on the BASIX Certificate to be satisfied prior to the issue of the Construction Certificate, shall be submitted to the Certifying Authority prior to the release of the Construction Certificate.

Reason: *To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). (DACGCbc)*

8. Vehicle Crossings Application - Formwork Inspection

An application for street levels and payment of the associated fee shall be made with Council. This application includes the approval and all Council inspections relating to the driveway construction and the associated fee must be paid prior to the issue of the Construction Certificate.

Reason: *To facilitate suitable vehicular access to private property.*

9. Development/Construction Security Bond

A bond (determined from cost of works) of \$4,000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is 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.

Reason: *To ensure adequate protection to Council infrastructure.*

10. Stormwater Disposal

Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. Stormwater shall be conveyed from the site to a level spreader located a minimum of 3 metres upstream of the existing stone retaining wall at the rear of the site.

Reason: *To ensure appropriate provision for disposal and stormwater management arising from the development.*

11. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. 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.

Reason: *Prescribed – Statutory*

12. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: *To ensure the protection of existing built public infrastructure.*

13. Section 94A Contribution

\$15, 000 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

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). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$	1,500,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$14,250	Rams
S94A Planning and Administration	0.05%	\$750	Rams
Total	1.0%	\$15,000	

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.*

14. Detailed Landscape Plan

A detailed landscape plan is to be prepared and submitted to the Certifying Authority prior to release of the Construction Certificate. The landscape plan is to provide for the upgrading of the landscape setting of the site using predominantly local native species.

Reason: *to ensure an appropriate landscape amenity is provided.*

15. Schedule of External Finishes

The external finishes of the proposed development are to be generally in accordance with the materials, colours and textures shown on the architectural plans prepared by Choi Ropiha Architect as detailed in Condition 1 of this consent. Confirmation of this requirement is to be provided to the certifying Authority prior to release of the Construction Certificate.

Reason: *To ensure an appropriate colour scheme is provided to protect the visual and scenic quality of the area.*

16. Reflectivity Index of Glazing

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

17. Roofing Materials – Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details 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 roofing materials does not occur as a result of the development. (DACGCrnr)*

18. Construction Management Program

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (c) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period if/where they have changed from the DA submission;
- (d) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- (e) Proposed protection for Council and adjoining properties;
- (f) The location and operation of any on site crane; and

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACGCmp)*

19. Dilapidation Survey

A dilapidation survey of adjacent buildings must be conducted prior to any site work. The lateral extent of the survey must cover the likely "zone of influence" of any excavation or construction induced vibration. The survey must be properly documented for adjoining residential properties and the public road frontage area to the site. The dilapidation report must be submitted to Warringah Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Proper management of records. (DACGCds)*

20. Detailed Geotechnical Report

A certificate prepared by an appropriately qualified Geo-technical Engineer shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate certifying that the existing rock formations and substrate on the site are capable of withstanding:

- (a) the proposed loads to be imposed;
- (b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) protection of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process. **(DACGCgtr)**

21. Location of Plant

All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof or outside walls. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality. **(DACGCip)**

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

22. Road Opening Permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

Reason: Statutory requirement (Roads Act 1993).

23. Special Permits

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993. A minimum of forty-eight (48) hours notice is required for all permits except work zones, which may require additional assessment time. (See below)

- **Permit for on-street mobile plant**

Restrictions apply to the hours of operation and the area of operation for on street mobile plant equipment (for example cranes, concrete pumps, cherry pickers). Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- **Hoarding Permit**

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

- **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given.

- **Kerbside restrictions, work zones**

Existing kerbside restrictions apply. An application must be made to Council for the alteration of existing kerbside restrictions or the provision of a construction zone.

Reason: *Proper management of public land.*

24. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: *Legislative requirement for the naming of the PCA.*

25. Work Zone

An application for a Work Zone in Greycliffe Street in front of the site is to be lodged for Council's consideration and approval if a work zone is required. (The provision of a work zone must gain approval from the Warringah Traffic Committee. Applications for work zones are available from Customer Service and should be lodged at least 4 weeks prior to work commencing).

Reason: *Appropriate management of the road reserve for the development.*

26. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions. (DACGDebw)*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

27. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Reason: *To ensure the proper management of public land.*

28. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

29. 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.*

30. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: *To avoid siltation to adjoining properties and waterways.*

31. Vehicle Crossings

The provision of 2 vehicle crossings one 3 metres wide at the kerb to 4 metres wide at the boundary in accordance with Warringah Council Drawing No A4-3330/3 Normal Low and specifications and one 4 metres wide at the kerb to 5 metres wide at the boundary in accordance with Warringah Council Drawing No A4-3330/1 Normal 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.

For details see Warringah Council's website <<http://www.warringah.nsw.gov.au>> or phone (02) 9942 2111.

Reason: *To facilitate suitable vehicular access to private property.*

32. Layback Construction

Two laybacks one 3 metres wide and one 4 metres wide (excluding the wings) are to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: *To facilitate suitable vehicular access to private property.*

33. No Work on Public Open Space

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, and Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

Reason: *Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.*

34. No Removal of Trees on Public Property

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: *Protection of existing environmental infrastructure and community assets.*

35. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 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).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

36. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

Reason: *Safety.*

37. Support for Neighbouring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage;
 - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
 - (c) 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.
- (2) 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.
- (3) In this clause, allotment of land includes a public road and any other public place.

Reason: *To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. (DACGEg)*

38. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites*

39. Protection of Trees During Works

All trees that are specifically nominated on the architectural plans to be retained, including trees on the subject site and within the adjoining road reserve shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

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

40. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

Reason: *To ensure public safety and amenity on public land. (DACEEpup)*

41. Survey Certificate

A survey certificate prepared by a registered Surveyor is to be submitted to the Principal Certifying Authority at the following stages of construction:

- At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. **(DACGEsc)**

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

42. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be compiled which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. **(DACGFfsm)**

43. Reinstatement of Kerb

Prior to the issue of an Interim/Final Occupation Certificate 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.

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

44. Stormwater Disposal Certification

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

Note: The following Standards and Codes applied at the time of determination:

- Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- National Plumbing and Drainage Code.

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

45. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act.

46. BASIX Compliance Certification

Prior to the issue of an Interim/Final Occupation Certificate, all the selected BASIX commitments as detailed in the BASIX Certificate, lodged with the Development Application, must be completed.

Reason: To ensure the development complies with the requirements of the SEPP (Building sustainability index: BASIX 2004). (DACGFbcc)

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

47. Strata Subdivision Plans

If the Strata Subdivision Certificate Application is lodged with Council, the linen plan and nine (9) copies of the strata plan are to be lodged with the application, or if the Subdivision Certificate is obtained from an Accredited Certifier, a copy of the endorsed Subdivision Certificate plan is to be forwarded to Council within 14 days of lodgement with the "NSW Land and Property Information Division".

Reason: To ensure compliance with the Conveyancing Act 1919. (DACGHp)

OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

48. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: Prescribed - Statutory.

49. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards.

Note: The following Australian Standard applied at the time of determination

- Australian Standard AS2601.2001 - Demolition of Structures

Reason: To ensure a satisfactory standard of demolition works. (DACGEdw)

50. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA. (DACGDnc)

51. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited;
 - (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: *Statutory requirement.*

52. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site. (DACGEhs)*

53. Removal of Lead

All work involving lead removal must not cause lead contamination of air or ground and must be carried out in accordance with the relevant Australian Standards. Particular attention must be given to the control of dust levels on the site.

Note: The following standard applied at the time of determination:

- Australian Standard AS4361.2 - Guide to lead paint management - Residential and commercial buildings

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. (DACHeri)*

54. Home Building Act

- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is 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.

Reason: Prescribed - Statutory. **(DACGDhba)**

55. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: To ensure residential amenity is maintained in the immediate vicinity. **(DACHEnv)**

56. Removal of Friable Asbestos

Anyone who removes, repairs or disturbs friable asbestos material must hold a current friable asbestos removal licence.

Prior to the commencement of work a site-specific permit approving each friable asbestos project must be obtained from WorkCover.

Reason: To comply with WorkCover requirements. **(DACHErfa)**

57. Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

Note: The following standards applied at the time of determination:

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. **(DACHErhda)**

The figure contains five architectural drawings:

- 1 NORTH ELEVATION**: A perspective view of the building's north side, showing a modern structure with a flat roof and large windows. The drawing is labeled "1 NORTH ELEVATION" and "1:200 @ A3".
- 2 EAST ELEVATION**: A perspective view of the building's east side, showing a similar modern design. The drawing is labeled "2 EAST ELEVATION" and "1:200 @ A3".
- 3 SOUTH ELEVATION**: A perspective view of the building's south side, showing a different facade. The drawing is labeled "3 SOUTH ELEVATION" and "1:200 @ A3".
- 4 WEST ELEVATION**: A perspective view of the building's west side, showing a modern design with a flat roof. The drawing is labeled "4 WEST ELEVATION" and "1:200 @ A3".
- 5 SITE PLAN**: A plan view of the building and its surrounding site, showing the building footprint, parking areas, and landscaping. The drawing is labeled "5 SITE PLAN" and "1:200 @ A3".

PROJECT		SHEET TITLE	
18 GREYCLIFFE STREET, QUEENSLAND		NOTIFICATION PLAN	
SP 14967 (Lot 15 DP 12597)		SHEET NUMBER	
0733		SHEET SIZE	
10,2008		SHEET SCALE	
SF		1:100	
TR		A4	
10,2008		DATE	
10,2008		DRAWN	
10,2008		CHECKED	
10,2008		PROJECT NAME	
10,2008		PROJECT NO.	
10,2008		PROJECT DATE	
10,2008		PROJECT SCALE	
10,2008		PROJECT SIZE	
10,2008		PROJECT NO.	
10,2008		PROJECT DATE	
10,2008		PROJECT SCALE	
10,2008		PROJECT SIZE	
10,2008		PROJECT NO.	
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10,2008		PROJECT NO.	
10,2008		PROJECT DATE	
10,2008		PROJECT SCALE	
10,2008		PROJECT SIZE	
10,2008		PROJECT NO.	
10,2008		PROJECT DATE	
10,2008		PROJECT SCALE	
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10,2008		PROJECT SCALE	
10,2008		PROJECT SIZE	
10,2008		PROJECT NO.	
10,2008		PROJECT DATE	

EXISTING CONDITION
VIEW FROM UPPER GREYCLIFFE STREET

THE PROPOSED NEW FLAT/LOW PROFILE ROOF
IMPROVES VIEWS TO BEACH FROM
UPPER GREYCLIFFE STREET

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THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, NOTICES AND DRAWINGS.
COORDINATE ALL DIMENSIONS TO THE DIMENSIONS ON SITE BEFORE CONSTRUCTION.
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PROJECT: **18 GREYCLIFFE STREET, QUEENSLAND**
SP 14967 (Lot 15 DP 12597)

PROJECT NUMBER	0733	CREATED DATE	10.2008	STATUS	TR	SHEET SCALE	1:100	SHEET SIZE	A4
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NOTIFICATION PLAN

SHEET TITLE: **DA22** A