

3.1	19 Selby Avenue, Dee Why – Demolition of an Existing Dwelling and Construction of a Two Storey Dwelling House, including Fencing and Ancillary Site Works
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DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Cynthia Chan
Address / Property Description: Lot 99, DP 11884, No.19 Selby Avenue, Dee Why

Proposal: Demolition of an existing dwelling and construction of a two storey dwelling house, including fencing and ancillary site work.

Development Application No: **DA2009/0773**

Plans Reference: DA01 to DA14 prepared by Dalgliesh Ward & Associates Pty Ltd Architects

Applicant: Tom William Clack

Owner: Tom William Clack & Rachel Ellen Ballesty

Application Lodged: 18/06/2009

Amended Plans: YES- stormwater management plans

Locality: E2 Dee Why Lagoon Suburbs

Category: Category 1- Housing

Clause 20 Variations: YES- Front Building Setback (supported)

DWLEP 2009 Permissible with consent

Land and Environment Court NO

Action:

Referred to WDAP: NO

Referred to ADP: YES- more than two unresolved objections received in response to the notification of this application

SUMMARY

Submissions: 3

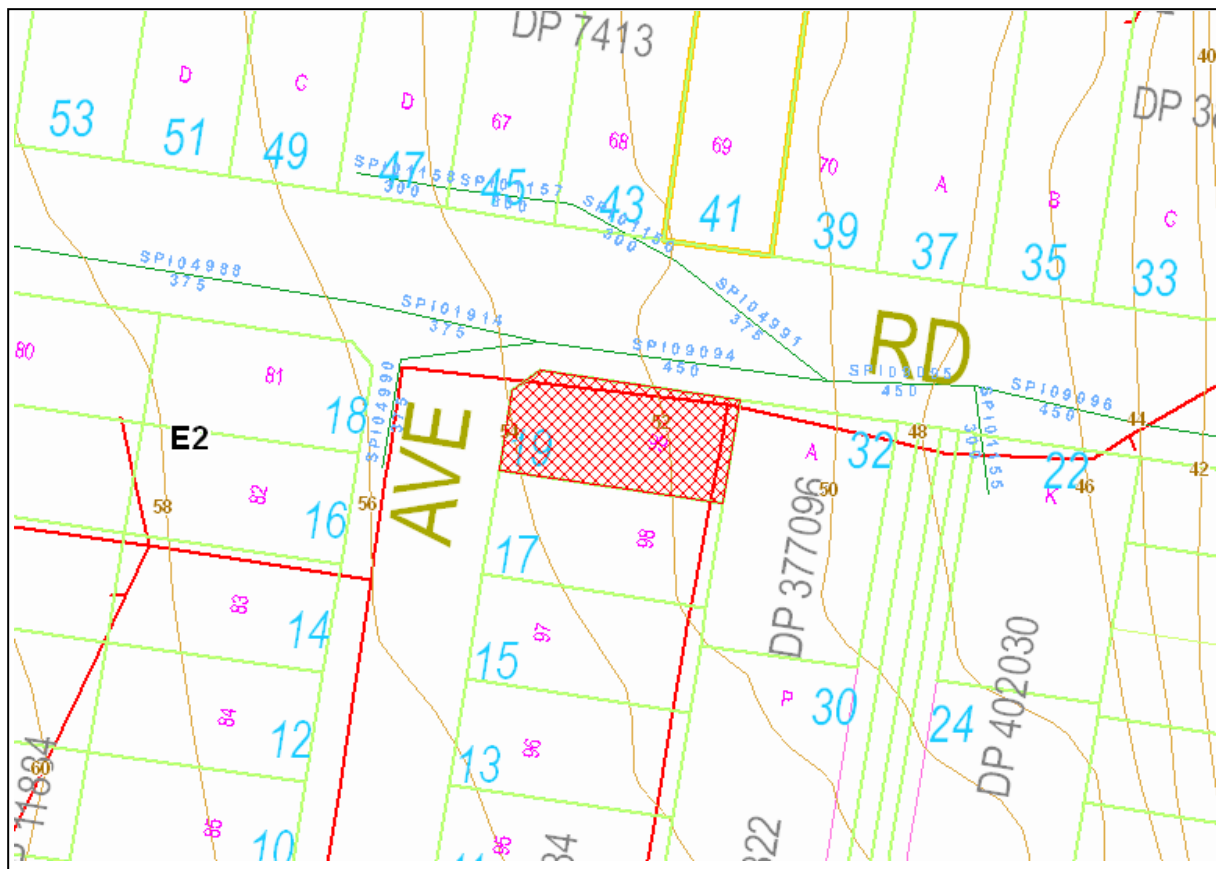
Submission Issues: Building bulk, privacy, overshadowing, view loss, fencing, trees, housing density, impact on a heritage item, legibility of plans

Assessment Issues: Front building setback, sunlight access, view sharing and private open space

Recommendation: Approval - subject to conditions

Attachments: YES- site plan, elevations

LOCALITY PLAN (not to scale)



Subject Site: Lot 99, DP 11884, 19 Selby Avenue, Dee Why

Notified Residences: Under the provisions of the Warringah Development Control Plan this application has been notified to 9 adjoining property owners and occupiers.

SITE DESCRIPTION

The site is legally described as Lot 99, DP 11884, and commonly known as No.19 Selby Avenue, Dee Why. It is on the south-eastern corner of the intersection at Selby Avenue and Redman Road. The land has a natural fall of 3 metres or an average 1 in 9 from west to east. It is generally rectangular in shape with the following dimensions:

- Northern boundary (secondary street frontage): 28.535 metres
- Southern boundary: 31.58 metres
- Eastern boundary (primary street frontage): 14.72 metres
- Western boundary: 11.67 + 4.34 metres
- Site area: 460 square metres

The site is currently occupied by a single storey brick and tile dwelling and is generally surrounded by residential dwellings. The dwelling at No.41 Redman Road, which is situated to the north of the subject site (on the opposite side of the street), is identified as having local heritage significance.

PROPOSAL IN DETAIL

This application seeks approval for the demolition of an existing dwelling and construction of a two storey dwelling, front fencing, driveway and crossing in the following manner:

Ground floor

- Double garage, study/guestroom, clean up/laundry, bathroom and 3 bedrooms
- North facing covered deck and covered terrace
- Pedestrian access on Redman Road, and vehicular access on Selby Avenue

First floor

- Dining room, kitchen, powder room, living room and associated internal "bridge"
- Two north facing decks

AMENDMENTS TO THE PLAN

This application includes amended stormwater management plans prepared in response to Council's Development Engineer's comments.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) State Environmental Planning Policy No. 55 – Remediation of Land
- d) State Environmental Planning Policy- Building Sustainability Index (BASIX)
- e) Draft Warringah Local Environmental Plan 2009
- f) Warringah Local Environment Plan 2000
- g) Warringah Development Control Plan

REFERRALS

Referral	Referral Comment	Planning Comment
Council's Development Engineers	Development Engineers raise no objections to the release of the DA subject to the inclusion of the drainage plans by Australian Consulting Engineers, Job number 09AH115 Drawing number D01 Rev E and D02 Rev A dated April 2009 and conditions of consent.	The recommended conditions are included in the draft consent.
Council's Landscape Assessment Officer	No objection subject to conditions	The recommended conditions are included in the draft consent.
Council's Heritage Adviser	<i>This application has been referred as it is within the vicinity of a heritage item being the house known as "Elouera" at 41 Redman Road, Dee Why. This house is listed as an item of local heritage significance in Warringah Local Environmental Plan 2000, under Locality E2 – Dee Why Lagoon Suburbs. This house is listed because it is a good representative example of a brick federation bungalow, displaying high integrity, with much original fabric.</i> <i>This application is for the demolition of the existing structures at 19 Selby Avenue, Dee Why and the construction of a new dwelling. The</i>	It is noted that the proposal will not have an unacceptable impact on the heritage item.

Referral	Referral Comment	Planning Comment
	<i>subject land is immediately opposite "Elouera", in Redman Road and on the corner of Selby Avenue. The new dwelling proposed is a two storey residence, with an entrance from Redman Road and a double garage and driveway access off Selby Avenue. Redman Road contains a variety of dwellings, both of single and double storey.</i> <i>As mentioned, the subject site is across the road from the heritage site. As it is not immediately adjoining, it is considered that the proposed new dwelling will not impact upon the heritage significance of the dwelling known as "Elouera". While the proposed new dwelling is of a larger bulk and scale than the existing dwelling, it is not considered that it will dominate the heritage house given that it is not immediately adjoining.</i> <i>Therefore, no objections are raised to this application on heritage grounds and no heritage conditions required.</i>	

NOTIFICATION & SUBMISSIONS RECEIVED

This application was notified by letter dated 25/06/2009 to 9 properties. Three (3) submissions were received in response to the notification from the following:

Submission Received	Address
G Engels	17 Selby Avenue, Dee Why
L Saliba	32 Redman Road, Dee Why
T & L Riley	41 Redman Road, Dee Why

The submissions have raised the following concerns and each is addressed below:

1. Building bulk

- The dwelling is excessive in building footprint and height in relation to the site area, with inadequate space for circulation and landscaping.
- The front setback does not comply with the minimum requirement and is too close to the street.
- The proposal will have an adverse impact on the streetscape.
- The proposal will have the effect of enclosing the rear yard of No.17 Selby Avenue.
- Height poles and other indicators for bulk, height and scale are requested
- The proposal does not relate to the pattern, scale and landscape character of the street and the surrounding development.

Comment:

The proposal complies with the relevant built form controls, with the exception of a minor variation to the front building setback to Selby Avenue. The minor encroachment of the southern side boundary envelope is minor and provides articulation to the elevation, and is permitted under WLEP 2000 without requiring a Clause 20 variation. The proposed setbacks and heights are consistent with the intent of the built form controls as they apply to a corner allotment. Therefore, the proposal is not excessive in terms of its bulk and scale, and is consistent with the visual pattern and predominant scale of development in the locality. Whilst it may be significantly larger than the

existing dwelling and many other older dwellings in the surrounding area, it complies with the development standards for the E2 locality. Height poles were not considered to be necessary to properly assess the impacts of the proposed development, however, they could be requested in order for the ADP to assess the matter.

Therefore, the concern is not considered to have a determining weight.

2. Privacy

- The east facing windows associated with the living room and the balcony on the first floor would overlook the front balconies and front yard of No.32 Redman Road. The window should be reduced in size and the balcony should be screened.
- The north facing balconies and decks on the first floor would impinge on the privacy of No.41 Redman Road.
- The building height at 8.5 metres aligns with the roof line of No.32 Redman Road and No.17 Selby Avenue, and would impinge on the privacy of the adjoining properties.
- The stairwell fronting the bedrooms of No.17 Selby Avenue is of a visual and noise concern.

Comment:

Privacy issues are specifically addressed in the Clause 65 assessment in this report. In summary, a condition has been included requiring the window associated with the stairwell to be fitted with opaque glazing to address the concern in relation to that window. The balance of the proposal will not result in unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings and is consistent with Clause 65 of WLEP 2000. Therefore, the concern is not considered to have a determining weight.

3. Overshadowing

The proposal will overshadow No.32 Redman Road and No.17 Selby Avenue. In addition, the shadow diagrams do not adequately depict the full overshadowing impact on No. 17 Selby Avenue.

Comment:

Overshadowing impact is specifically addressed in the Clause 62 assessment in this report. It is noted that the proposed development generally complies with the built form controls in relation to height and scale applying under the E2 Locality of WLEP 2000. The shadow diagrams prepared for the application have been reviewed and adequately demonstrate the overshadowing impact of the adjoining property at 17 Selby Avenue for June 21. In this regard, the proposal is generally consistent with the requirements of Clause 62 of WLEP 2000. Therefore, no further information is considered necessary and the concern is not considered to have a determining weight.

4. View loss

The proposal will interfere with views to the ocean and Long Reef obtained from No.17 Selby Avenue which would be devalued.

Comment:

View loss issue is specifically addressed in the Clause 61 assessment in this report. In summary, the proposal is assessed as being consistent with the relevant planning principle (Tenacity View Sharing) and will allow reasonable sharing of views that is consistent with Clause 61 of WLEP 2000. Therefore, the concern is not considered to have a determining weight.

The proposal has been assessed against the relevant matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act, 1979 and impact of development on property values does not form part of these planning considerations. Also, it is noted that no

specific evidence has been furnished to support claims of a negative effect on property values. Accordingly, no further consideration of the potential impact of the proposal on the value of the surrounding properties is warranted.

5. Proposed fence

The proposed fence on the common boundary of the site and No.17 Selby Avenue is too high and unnecessary that would impact on the decorative trellis at No.17 Selby Avenue.

Comment:

The proposed fence is considered to be in keeping with the streetscape in terms of its height, style and design. The fence is to be located along the northern and western boundaries of the site, and is not located on the common boundaries with the adjoining properties. It is noted that the construction of a fence along a common (side) boundary is regulated by the Dividing Fence Act and does not affect the determination of this application.

6. Trees

Two native trees at the south-eastern corner of the site were tampered with to improve views.

Comment:

A search of Council's records does not reveal any investigations or applications for tree removals or alleged tree tampering. Nevertheless, Council's Landscape Assessment Officer has reviewed this proposal and raised no objections. No further consideration of this concern is required.

7. Housing density

The proposed plans enable duplex or dual living arrangements.

Comment:

This application is for a detached style dwelling. A condition is included so that the dwelling is to remain for single occupancy use at all times which adequately addresses this concern.

8. Impact on No.41 Redman Road

The proposal would compromise the privacy, aesthetics and drainage issues at No.41 Redman Road which is identified with local heritage significance.

Comment:

- The heritage item at No.41 Redman Road is opposite to the subject site where the separation distance (Redman Road and front setbacks of the respective properties) will not result in unreasonable privacy issues.
- The relationship between the proposal and the heritage item is addressed in the assessment of Clause 82- Heritage Impact in this report. In summary, the proposal is consistent with Clause 82 of WLEP 2000 and Council's Heritage Adviser has reviewed the proposal and raised no objections.
- Council's Development Engineers have reviewed the proposal and raised no particular concern on drainage issues.

In summary, the concern is not considered to have a determining weight.

9. Legibility of plans

The plans prepared for this application are illegible. They are too small to read and the overlaid floor plan cannot be deciphered.

Comment:

The submitted A3 plans accompanying this application are adequate in terms of the details of the proposed development to address the relevant planning controls. No additional information is required and the concern is not considered to have a determining weight.

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	This application is consistent with the relevant environmental planning instrument, see "SEPP" and "WLEP 2000" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	This application is consistent with the draft environmental planning instrument, see "DWLEP 2009" in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	This application was notified in accordance with the Warringah Development Control Plan.
Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	Clause 7 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Conditions address the provisions.
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	The proposal to demolish the existing dwelling and construct a new dwelling in the urban setting will not have an adverse impact on the natural environment, as the site is generally cleared of significant trees and has no distinctive environmental features. The proposal is not excessive in terms of its bulk and scale and will not have an adverse impact on the streetscape. It will not have an unacceptable impact on the amenity of neighbouring properties in terms of views, sunlight access and privacy. Therefore, the proposal will not have an adverse impact on the built environment. The proposal will continue the existing residential use of the land that is consistent with the history of the site and the surrounding land. Therefore, the proposal will not have an adverse social and economic impact in the locality.
Section 79C (1) (c) – The suitability of the site for the development	There are no physical constraints preventing the proposal from taking place at the site, therefore the site is suitable for the development.
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	Three (3) submissions were received in response to the notification of this application that are addressed in "Notification & Submissions" in this report.
Section 79C (1) (e) – The public interest	The public interest is served by ensuring that the proposal is consistent with the relevant planning controls. The proposal is assessed as being consistent with the relevant planning controls under WLEP 2000 and is therefore not contrary to protecting the public interest.

State Environmental Planning Policies

State Environmental Planning Policy No.55- Remediation of Land

The site has been used for residential purposes since being developed for housing and there is no indication of land contamination. In addition, the proposal is consistent with the existing land use of the site. Therefore, no further consideration of this SEPP is required.

State Environmental Planning Policy- Building Sustainability Index (BASIX) 2004

This application includes a BASIX Report in support of the proposal demonstrating that the proposed scheme achieves the minimum water, thermal and energy targets, in accordance to Schedule 1 of the SEPP. In this regard, this application satisfies the provisions of the SEPP.

State Environmental Planning Policy- Infrastructure 2007

This application does not require referral to the electricity supply authority, as the proposal does not comprise the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- development involving or requiring the placement of power lines underground.

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling house

Land Use Zone: R2 Low density residential

Permissible or Prohibited: Permissible with consent

Principal Development Standards:

Development Standard	Required	Proposed	Complies
Subdivision Lot Size:	1 dwelling per 600 sqm. This application is not for subdivision.	NA	NA
Height of Buildings:	8.5 metres	7.7 metres	YES

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

Warringah Local Environmental Plan 2000

Desired Future Character

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

LOCALITY E2 Dee Why Lagoon

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

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

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

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

The proposed development is identified as Category 1 development in this locality, being "housing" as defined under WLEP 2000. The proposal is assessed as being consistent with the Desired Future Character Statement for the following reasons:

- The proposal is for detached style housing in a landscaped setting.
- The proposal complies with the relevant built form controls, with the exception of several minor variations to the front building setback for architectural detailing of the building and a roofed front gate entry. It is consistent with the visual pattern and predominant scale of existing detached housing in the locality, including landscaped front gardens and consistent front building setbacks, as intended by the built form controls on a corner allotment.
- This application includes a schedule of finishes demonstrating the use of grey roofs, timber materials so that the proposal suitably integrates with the natural landscape and the surrounding area. The proposal will not be visually prominent with regard to any hillsides or ridge areas.
- The land is not occupied by the Dee Why Bowling Club, Manly Warringah Soccer Club, Evergreen Tennis Centre, or identified a local retail centre. It does not contain indigenous tree canopy or natural landscape features. This application is not for subdivision.



Built Form Controls for Locality E2 Dee Why Lagoon Suburbs

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

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: 8.5 metres max	Proposed: 7.7 metres (max) Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: 7.2 metres max	Proposed: 6.3 metres (max) Complies: ☒ Yes ☐ No
Front Setback: Applicable: ☒ Yes ☐ No Requirement: Primary front building setback: 6.5 metres min Secondary front building setback: 3.5 metres min	Proposed: Primary front setback to Selby Avenue: 6.4 metres (min) Secondary front setback to Redman Road: Roofed front gate entry (2.4m x 1.3m): 0 metre Dwelling: 3.518 metres (min) Complies: ☐ Yes ☒ No
Housing Density: Applicable: ☐ Yes ☒ No Requirement: 1 dwelling per 600sqm	☒ Existing and unchanged at 1 dwelling per 460 sqm
Landscape Open Space: Applicable: ☒ Yes ☐ No Requirement: 40% of the site area min	Proposed: 40.8% of the site area Complies: ☒ Yes ☐ No
Rear Setback: Applicable: ☐ Yes ☒ No Requirement: 6.0 metres	☒ The site is a corner allotment with more than one street frontage, therefore the rear setback control does not apply.
Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: 4m / 45 degrees Eaves up to 0.675 metre from the boundary may encroach beyond the side boundary.	Boundary: ☐ Nth ☐ Sth ☒ Est ☐ Wst Complies: ☒ Yes ☐ No Boundary: ☐ Nth ☒ Sth ☐ Est ☐ Wst Complies: ☒ Yes. (The eaves encroach the envelope, however this is permitted by the control)
Side Setbacks: Applicable: ☒ Yes ☐ No Requirement: 0.9 metres min	Boundary ☐ Nth ☐ Sth ☒ Est ☐ Wst Proposed: 1.312 metres to ground floor 5.7 metres to first floor Complies: ☒ Yes ☐ No Boundary ☐ Nth ☒ Sth ☐ Est ☐ Wst Proposed: 0.9 metres min to ground floor 2.15 metres min to first floor Complies: ☒ Yes ☐ No

Clause 20 Variation

“Consent may be granted to proposed development even if the development does not comply with one or more development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy.”

In assessing these non-complying elements of the proposal, consideration must be given to its consistency with the following:

General Principles of Development Control

The proposal is generally consistent with the general principles of development control.

Desired Future Character of the Locality

It is considered that the proposal is consistent with the DFC Statement.

Relevant State Environmental Planning Policies

The proposal is generally consistent with the relevant State Environmental Planning Policy.

Variation Sought

Front Building Setback (Primary Frontage)

Front Setback: Applicable: ☒ Yes ☐ No Requirement: Primary front building setback: 6.5 metres min Secondary front building setback: 3.5 metres min	Proposed: Primary front setback to Selby Avenue: 6.4 metres (min) Secondary front setback to Redman Road: Roofed front gate entry (2.4m x 1.3m): 0 metre Complies: ☐ Yes ☒ No
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The merit considerations of the 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
- The provision for corner allotments relates to street corners.

Comment:

Considerations of the proposed non-compliance are given as follows:

- The non compliance applies to several features on the western façade of the building that provide architectural detailing and represents a minor part of the primary street frontage of the building.
- The 200mm encroachments are very minor.
- The balance of the primary street frontage of the building complies.

It is noted that a roofed front gate entry is provided off the Redman Road frontage. The roofed element is minor (2.4m x 1.3m) and will not adversely impact on the streetscape.

Accordingly, the primary front setback is substantially complying and is consistent with the merit considerations of the control.

Variation Supported

Having regard to the above, it is considered that the proposal, notwithstanding the numerical variation, is consistent with the desired future character of the locality and the general principles for development control. Also, its potential impacts on the streetscape and the amenity of the adjoining neighbour are considered acceptable. Accordingly, the variation to the front setback control is supported.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	This Clause requires that development is not to result in overspill or glare from artificial illumination, or sun reflection, and is not to unreasonably diminish the amenity of the locality. Suitable conditions are recommended to address this provision.	YES subject to condition
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	Considerations of this Clause are given to the following: - The construction for the proposed works can take place within the confines of the site. - The construction vehicle movements are in a residential area but will not have an unreasonably adverse impact on roads, pedestrian, traffic movement and surrounding residents. - Suitable conditions are recommended to ensure that air and water borne pollutions are minimised and other construction activity is addressed. In summary, subject to conditions, the construction for the proposed works will not have an unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment, and is satisfactory in addressing this Clause.	YES subject to condition
CL43 Noise	YES	The proposed dwelling is consistent with the existing use of the site and the surrounding residential area. A condition is recommended 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 in accordance with the provision of this Clause. In summary, subject to condition, the proposal will not result in noise emission, which would unreasonably diminish the amenity of the area and will not result in noise intrusion, which would be unreasonable to surrounding residents, and is satisfactory in addressing this Clause.	YES subject to condition
CL44 Pollutants	NO	No Comment	N/A
CL45 Hazardous Uses	NO	No Comment	N/A
CL46 Radiation Emission Levels	NO	No Comment	N/A
CL47 Flood Affected Land	NO	No Comment	N/A
CL48 Potentially Contaminated Land	YES	The site has been occupied for residential purposes since originally being developed for housing. There is no indication of land contamination and the proposal is consistent with the	YES

General Principles	Applies	Comments	Complies
		existing use of the site. No further consideration of this Clause is required.	
CL49 Remediation of Contaminated Land	NO	No Comment	N/A
CL49a Acid Sulfate Soils	NO	No Comment	N/A
CL50 Safety & Security	YES	The proposed first floor street frontage includes balconies and windows overlooking Redman Road and Selby Avenue and provides reasonable casual surveillance. Therefore, the proposal will contribute to the safety and security of the locality, and is satisfactory in addressing this Clause.	YES
CL51 Front Fences and Walls	YES	The proposal includes 1.8 metre high brick pier fences with timber infill's along the front boundaries of the site to Redman Road and Selby Avenue. The fencing also includes a timber batten privacy screen centrally located at the northern boundary of the site for pedestrian access and an opening at the western boundary of the site for vehicular access. It is noted that a roofed front gate entry is provided off the Redman Road frontage. The roofed element is minor (2.4m x 1.3m) and will not adversely impact on the streetscape. Selby Avenue and Redman Road are generally characterised by fences with a height less than 1.2 metres. However, No.43 and 45 Redman Road at the intersection and the adjoining No.17 Selby Avenue are associated with approximately 1.6 metres high wall/ fence. Therefore, the proposed brick/ timber fence is not inconsistent with the streetscape. The proposed 1.8 metres fence is satisfactory, considering it is necessary to protect the privacy of the private open space within the front setback area at the corner allotment. In summary, the proposed fencing is consistent with the character of the street and the locality will provide casual surveillance, and is satisfactory in addressing this Clause.	YES
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	NO	No Comment	N/A
CL53 Signs	NO	No Comment	N/A
CL54 Provision and Location of Utility Services	YES	The proposal will maintain the existing satisfactory utility service provision at the site.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A
CL56 Retaining Unique Environmental Features on Site	NO	No Comment	N/A
CL57 Development on Sloping Land	YES	No Comment	N/A
CL58 Protection of Existing Flora	YES	The proposal includes the removal of one tree to accommodate the new building footprint. The proposal generally complies with the relevant building setback controls and is not excessive in building footprint such that the proposed removal of the nominated tree is acceptable. Council's Landscape Assessment Officer has reviewed the proposal and raised no objection. Accordingly, the proposed removal is supported. In summary, the proposed tree removal is not unreasonable or unacceptable, and is satisfactory in addressing this Clause.	YES
CL59 Koala Habitat Protection	NO	No Comment	N/A
CL60 Watercourses & Aquatic Habitats	NO	No Comment	N/A
CL61 Views	YES	In assessing view loss resulting from this development, the Planning Principle for View Sharing formulated by the Land	YES

General Principles	Applies	Comments	Complies
		and Environment Court has been adopted to provide a framework for the assessment of views in this instance as follows: <u>Assessment of views to be affected.</u> The land falls gently towards the east so that the land on the higher contours have distant ocean views over roof tops and tree canopies that are not considered of significance in that they are partial and interrupted by urban area and district outlook  <u>From what part of the property are the views obtained</u> • The view being considered is obtained from the land on higher ground, namely on the western side of Selby Avenue. • No.17 Selby Avenue to the south of the subject site has also raised view loss concern in the submission. <u>Assessment of the extent of the impact</u> • The proposed two storey dwelling to replace the existing single storey dwelling will interfere with the views downhill obtained from the properties on higher ground on the western side of Selby Avenue. • The proposed eastern part of the dwelling that extends into the existing landscaped open space on the subject site will interfere with views obtained from No.17 Selby Avenue. <u>Reasonableness of the proposal</u> The proposal complies with the relevant built form controls and in particular satisfies the overall building height control. With the exception of the front building setback (which is a marginal encroachment) the building does not affect the view corridor being considered. The proposal is consistent with the building bulk, scale and separation intended by the built form controls for a corner allotment. In summary, the proposal is consistent with the relevant planning principle and will allow a reasonable sharing of views in accordance with this Clause.	
CL62 Access to sunlight	YES	The shadow diagrams prepared for the proposal indicate that the proposal will affect the morning and midday sunlight to the adjoining No.17 Selby Avenue, and the afternoon sunlight to the adjoining No.32 Redman Road. No.17 Selby Avenue The proposal will overshadow approximately 50% of the rear yard of the adjoining No.17 Selby Avenue. The application includes a draft shadow diagram demonstrating that a fully compliant proposal would result in an additional marginal 0.142 metres wide of additional sunlight in the morning and a marginal 0.790 metres wide of additional sunlight in the	YES

General Principles	Applies	Comments	Complies
		afternoon. Therefore, a fully complying proposal would result in no significant additional sunlight, hence the proposal is not unreasonable. In addition, overshadowing to the adjoining properties to the south for east-west oriented lots is inevitable. No.32 Redman Road The proposal will affect the afternoon sunlight to the rear yard of the adjoining No.32 Redman Road that is less than 50% of the principal private open space between 9am and 3pm on June 21 in accordance to this Clause. In summary, the proposal will allow a reasonable sharing of sunlight, and is satisfactory in addressing this Clause.	
CL63 Landscaped Open Space	YES	The proposed landscaped open space complies with the built form control and will: • Enable the establishment of appropriate plantings • Accommodate appropriate outdoor recreational needs of and suit the anticipated requirements of dwelling occupants • Provide space for service functions • Facilitate water management Therefore, the landscaped open space is satisfactory in addressing this Clause.	YES
CL63A Rear Building Setback	NO	No Comment	N/A
CL64 Private open space	YES	Consideration of this Clause is given to the following points: • The proposed fences will clearly set apart the private open space for private use. • The proposed living spaces are on the first floor and will not have direct access to the private open space. However, the proposed living spaces will have direct access to the two first floor balconies that are capable of serving as an extension of the dwelling. • The proposed private open space on the ground floor and the two first floor balconies will receive no less than 2 hours of sunlight between 9am and 3pm. • The private open space on the ground floor does not meet the minimum requirement of 60 square metres with minimum dimension of 5 metres as per this Clause. However, the variation to the requirement is not unreasonable, considering the constraints of a corner allotment and the two first floor balconies supplementing the private open space. In summary, the proposed private open space is acceptable in relation to this Clause.	YES
CL65 Privacy	YES	Consideration of this Clause is given having regard to the following adjoining properties: No.17 Selby Avenue to the south The proposed first floor includes south facing windows associated with a space adjacent to the kitchen/ dining area, staircase and powder room that will be in close direct views to the windows of the adjoining No.17 Selby Avenue. • The window adjacent to the kitchen/ dining area is located on a corner away from the kitchen/ dining area so that use of the space being considered is unlikely to be frequent. In addition, there is a blade wall extended from the dwelling preventing natural sightlines from the kitchen/ dining area to the window of No.17 Selby Avenue.	YES subject to condition

General Principles	Applies	Comments	Complies
		- The staircase and powder room are lower occupancy rooms therefore lesser weight is applied to privacy issues. However, a submission has raised concerns with regard to the staircase position, as such a condition is included so that the window associated with the staircase and powder room is fixed with opaque glazing. The opaque glazing on the south facing window will not have an adverse impact on the amenity of the occupants. No.32 Redman Road to the east The proposed first floor eastern elevation includes a balcony and windows associated with the living room that will have view toward the front yard and the front part of the dwelling including a veranda and balcony at No.32 Redman Road. - The affected private open space is not a principal private open space, compared with the rear yard in the southern setback area. - The proposed living room is unlikely to result in unreasonable overlooking to the veranda and balcony, considering that: - The living room is set back from the building footprint below and fronts the side perimeter of the affected veranda and balcony that is set at an angle and is not a direct close view. - Natural sightlines would generally be directed downhill over the front yard of No.32 Redman Road. Therefore, subject to conditions, the proposal will not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings, and is satisfactory in addressing this Clause.	
CL66 Building bulk	YES	Consideration of this clause is applied by the following points: - The proposal complies with the side boundary envelope. - The proposal includes no large continuous wall planes. - No landscaping is required to screen the proposal. In summary, the proposal will not be visually prominent or dominating, and is satisfactory in addressing this Clause.	YES
CL67 Roofs	YES	The proposed roof form is not uncommon in the residential development in the locality. It will not detract from the local skyline and is satisfactory in addressing this Clause.	YES
CL68 Conservation of Energy and Water	YES	This application includes a BASIX Certificate which effectively addresses the requirement of this Clause.	YES
CL69 Accessibility – Public and Semi-Public Buildings	NO	No Comment	N/A
CL70 Site facilities	YES	The plans prepared for this application do not include details for site facilities. However, the proposed private open space is of such dimensions and area is common for a corner residential allotment and is capable of accommodating adequate waste and recycling bin enclosures, and open air clothes drying facilities. Therefore, the proposal is satisfactory in addressing this Clause.	YES
CL71 Parking facilities (visual impact)	YES	The proposed garage is integrated into the design of the dwelling and is adequately set back from the street. It will not be visually prominent or dominating and is satisfactory in addressing this Clause.	YES

General Principles	Applies	Comments	Complies
CL72 Traffic access & safety	YES	The proposal includes a new driveway at generally the same location as the existing one and will substantially maintain the existing access point to the site. Therefore, the proposal will substantially maintain the existing traffic access and safety, and is satisfactory in addressing this Clause.	YES
CL73 On-site Loading and Unloading	NO	No Comment	N/A
CL74 Provision of Carparking	YES	The proposed double garage complies with the minimum two carparking requirement for a dwelling as per Schedule 17.	YES
CL75 Design of Carparking Areas	YES	The proposed double garage complies with the minimum dimensions contained in this Clause.	YES
CL76 Management of Stormwater	YES	Council's Development Engineers have reviewed the proposal and raised no particular concern on the stormwater management of the site. Accordingly, the proposal is satisfactory in addressing this Clause.	YES
CL77 Landfill	NO	No Comment	N/A
CL78 Erosion & Sedimentation	YES	Conditions associated with management of erosion and sedimentation for the duration of works on the site address the provision of this Clause.	YES subject to condition
CL79 Heritage Control	NO	No Comment	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	YES	The site is identified as having low Aboriginal Heritage potential and there are no identified Aboriginal heritage items. Therefore, no further consideration of this Clause is required.	YES
CL81 Notice to Heritage Council	NO	No Comment	N/A
CL82 Development in the Vicinity of Heritage Items	YES	No.41 Redman Road situated to the north on the opposite side of the road is identified as having local heritage significance. Considerations of this Clause are given to the following: - The proposed detached style dwelling will upgrade the existing dwelling stock and will contribute to the residential architectural style and setting of the street. - The proposal complies with the relevant built form controls and achieves the visual pattern and scale intended by the built form controls on a corner allotment. Hence, the proposal is appropriate in scale and setback. - The proposed grey roof and timber materials of the dwelling will not have an adverse impact on the character of the heritage item. - The proposal is reasonable in bulk and will not have an adverse impact on the views to and from the heritage items. In addition, Council's Heritage Adviser has reviewed the proposal and raised no objection. In summary, the proposal will not have an adverse impact on the character of the heritage item and is consistent with this Clause.	YES
CL83 Development of Known or Potential Archaeological Sites	YES	The site is identified as having low Aboriginal Heritage potential and there are no identified Aboriginal heritage items. Therefore, no further consideration of this Clause is required.	YES



SCHEDULES

Schedule 8 - Site analysis

This application includes a site analysis including access points, adjacent buildings and uses, geography of the site and surrounds, previous building footprint and natural features of interest including landform and drainage points that is satisfactory in addressing this Schedule.

Schedule 17 - Carparking Provision

	Required	Proposed	Complies
Detached style dwelling	2	2	YES

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

Warringah Section 94A Development Contribution Plan 2006 is applicable to the proposed works, as which the value of work is greater than \$100,000. The Development Contributions are calculated as follows and conditions are included in a draft consent to address the provision of this Plan:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$ 269,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$2,556	RAMS
S94A Planning and Administration	0.05%	\$135	RAMS
Total	1.0%	\$2,690	

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, State Environmental Planning Policy- Building Sustainability Index (BASIX), Draft Warringah Local Environmental Plan 2009, Warringah Local Environmental Plan 2000 and the relevant codes and policies of Council.

Following consideration of the relevant general principles given in this report, it is considered that the proposed development is suitable for the site and will have minimal environmental impact. The proposal is consistent with the Desired Future Character Statement of the D2- Dee Why Lagoon Locality. The proposal complies with the Built Form Controls of the locality, with the exception of the primary front building setback control that however is marginal and will not have a substantial impact on the streetscape or the amenity of the neighbouring properties, and is supported on its merit considerations.

The proposal is not excessive in terms of bulk and scale, and will not be visually prominent or dominating. It will not have an adverse impact on the amenity of neighbouring properties, in terms of views, sunlight access and privacy and is consistent with the relevant General Principles of Development Control. Accordingly, the proposal is recommended for approval, subject to conditions.

RECOMMENDATION (APPROVAL)

- A. That Council as the Consent Authority approve Development Application DA2009/0773 for demolition of an existing dwelling and construction of a two storey dwelling house, including fencing and ancillary site work, at Lot 99, DP 11884, 19 Selby Avenue, Dee Why subject to the following conditions.
- B. That pursuant to Section 95(2) of the Environmental Planning and 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 must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02 Site Plan	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA03 Ground Floor Plan Revision A	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA04 First Floor Plan Revision A	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA05 Roof & Site Plan Revision A	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA06 Landscape Plan Revision A	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA08 West & East Elevations	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA09 North & South Elevations	15/06/09	Dalgliesh Ward & Associates P/L Architects
DA14 Finishes Schedule	15/06/09	Dalgliesh Ward & Associates P/L Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
D01 Rev E	April 2009	Australian Consulting Engineers
D02 Rev A	April 2009	Australian Consulting Engineers

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

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

2. Prescribed Conditions

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

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

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

4. Section 94A Contributions

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

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$	269,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$2,556	Rams
S94A Planning and Administration	0.05%	\$135	Rams
Total	1.0%	\$2,690	

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

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

5. Compliance with Standards

The development (where applicable) is to be carried out in accordance with relevant Australian Standards.

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

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (ACPLC02)

6. External Colours and Materials (Dwellings)

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

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

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

7. Modification to Window Design

The windows F19 & F22 associated with the stairs and powder room on the first floor level of the dwelling as shown on the approved plans are to be fixed with opaque glazing. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain privacy to the adjoining property (DACPLC07)

8. Bonds

A bond (determined from cost of works) of \$1000 and an inspection fee paid of \$210 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

All bonds and fees shall be deposited with Council, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

9. Vehicle Crossings Application Formwork Inspection

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

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent 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.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this 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.

12. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Drawing No. DA02 Site Plan prepared by Dalgliesh Ward & Assoc dated 15/06/09 are to be protected.

Reason: Protection of existing environmental infrastructure and community assets.

13. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.
- (2) The following guidelines are to be complied with at all times:
 - (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.
- (3) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - (a) A general decline in health and vigour
 - (b) Damaged, crushed or dying roots due to poor pruning techniques
 - (c) More than 10% loss or dieback of roots, branches and foliage
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

- (4) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

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

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

Reason: Protection of trees.

14. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

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

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: To ensure protection and longevity of existing trees.

15. Vehicle Crossings

The provision of one vehicle crossing 3.5 metres wide in accordance with Warringah Council Drawing No A4-3330/5 Extra Low and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

16. Layback Construction

A layback 3.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

17. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

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

18. Required Planting

The tree/s listed in the following Schedule shall be planted prior to the issue of an Interim/Final Occupation Certificate.

Tree Species	Location	Pot Size
2 x Banksia Integriolia	Suitably located on the site	200mm

Reason: To maintain environmental amenity

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

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

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

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

20. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land. (DACENF02)

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

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

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

Reason: To ensure modification to the on-site stormwater detention structure is carried without Council's approval. (DACENF04)

22. On-Site Stormwater Detention Compliance Certification

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

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

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



23. Positive Covenant for On-site Stormwater Detention

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

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

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

24. Creation of Positive Covenant and Restriction as to User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall to be submitted to Warringah Council for authorisation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands" prior to issue of the Interim/Final Occupation Certificate.

Reason: To identify encumbrances on land.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

25. Single Occupancy

Nothing in this consent shall authorise the use of the premises other than for a single occupancy.

Reason: To ensure compliance with the terms of this consent.



Site and Elevation Plans

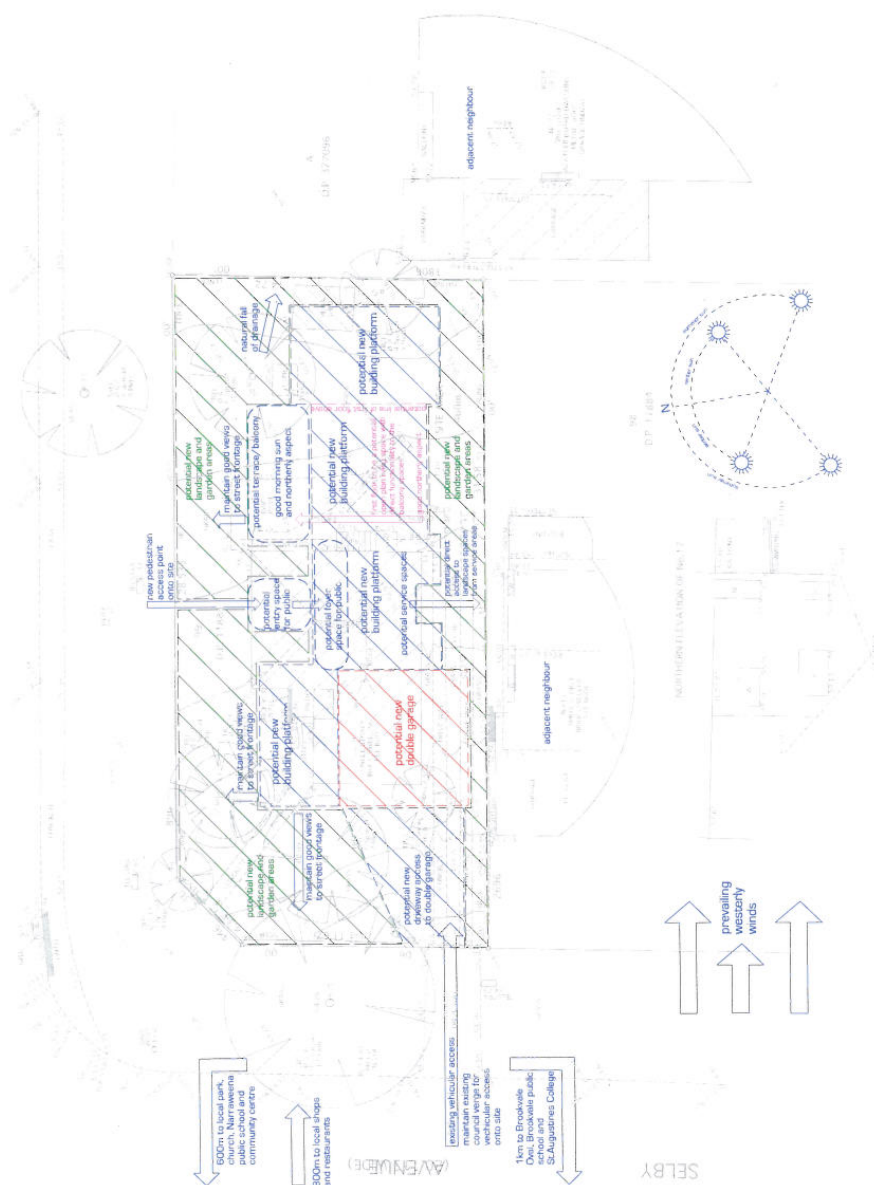


DALGLIESH WARD &
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NOTES

[illegible]

Project:
19 Selby Ave, Dee Why,
NSW 2099
(Lot 99, D.P. 11884)
Mr Tom Clark & Mrs Rachael Bellamy

Drawing Title
Site Analysis Plan

Scale	1200 m A3	Date	15/06/09
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Drawn	GJD	Checked	DTW
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Product No. 0815

FINANCIAL STATEMENTS

DAO1

Site and Elevation Plans



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NOTES

All works to be undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2007.

The applicant must ensure that the development is in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2007.

The applicant must ensure that the development is in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2007.

Project:
19 Selby Ave, Dee Why,
NSW, 2099
Lot 19, DP 114584
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Drawing Title:
Site Plan

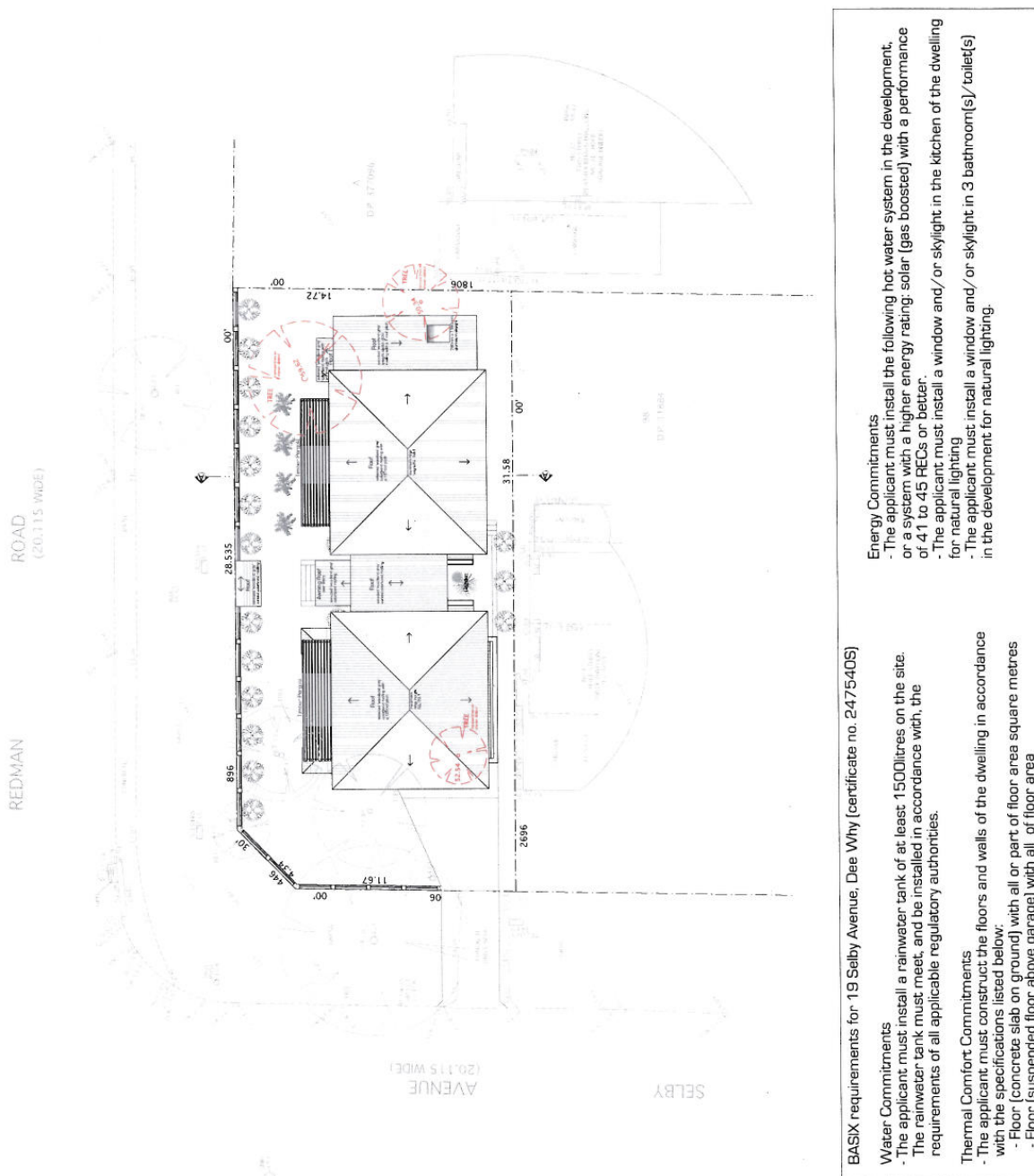
Scale: 1:200 A3 Date: 15/06/09

Drawn: GAD Checked: DMV

Project No: 0815

Revision:

Drawing Number:



BASIX requirements for 19 Selby Avenue, Dee Why (certificate no. 2475405)

Water Commitments

- The applicant must install a rainwater tank of at least 1500 litres on the site.
- The rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

Thermal Comfort Commitments

- The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed below:
 - Floor (concrete slab on ground) with all or part of floor area square metres
 - Floor (suspended floor above garage) with all of floor area

Energy Commitments

- The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (gas boosted) with a performance of 41 to 45 RECs or better.
- The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.
- The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.

DALGLIESH WARD &
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ARCHITECTS

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Director

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[illegible]

Project
19 Selby Ave, Dee Why,
NSW, 2099
(Lot 99, D.P. 11884)

Drawing Title
Roof & Site Plan

Scale	1:100 @ A3	Date	15/05/09
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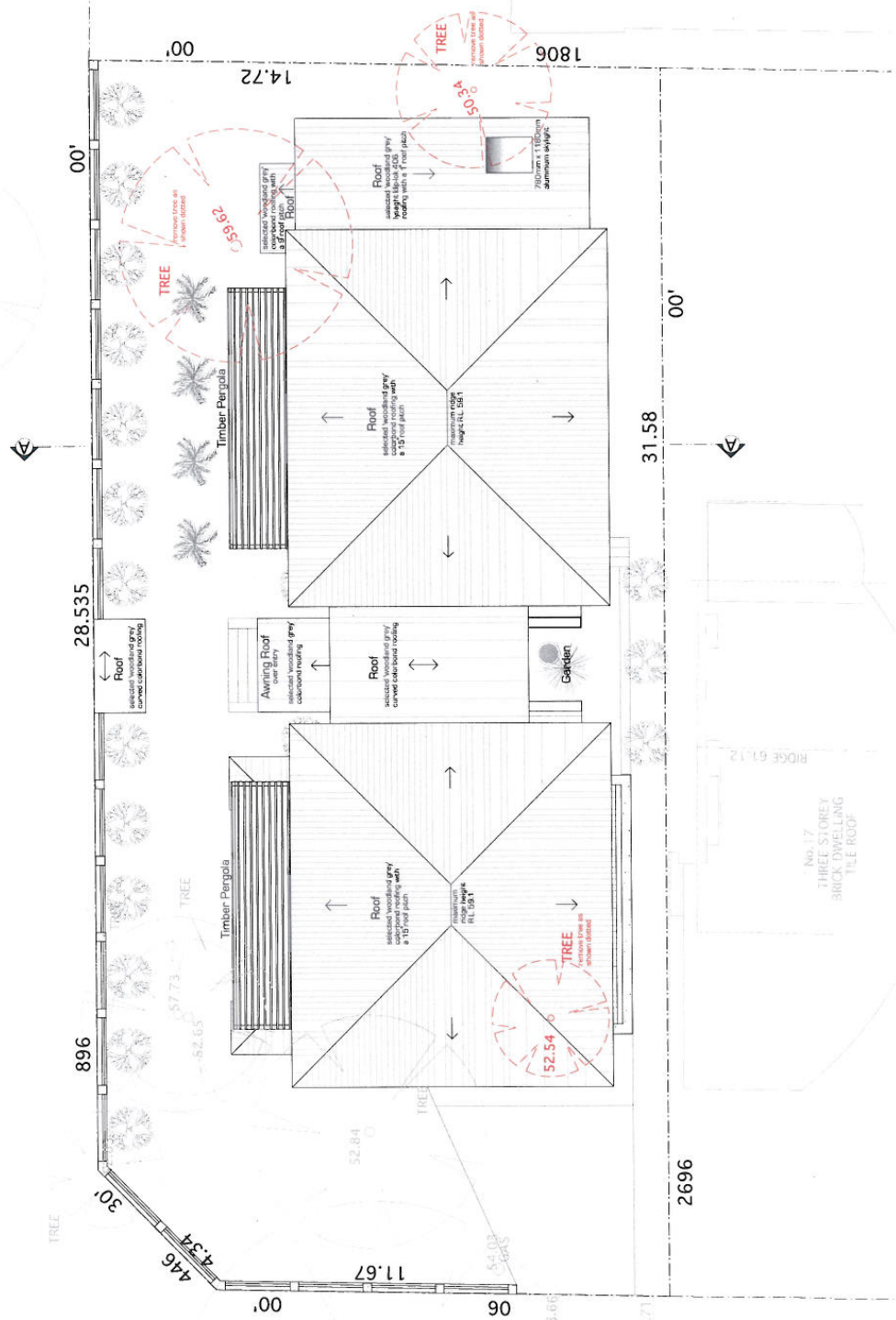
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Project No. 0815

Revision A

Drawing Number

DA05



DA08



