

3.2

65 Headland Road, North Curl – Alterations and Additions to an Existing Dwelling House, including a Ground and First Floor Additions, a new Swimming Pool and Widened Driveway

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Cynthia Chan

Address / Property Lot 85 DP 6143
65 Headland Road, North Curl Curl

Description: Alterations & additions to an existing dwelling house, including a ground and first floor additions, a new swimming pool and widened driveway

Development Application No: **DA2009/0889**

Application Lodged: 10/07/2009

Plans Reference: Drawing No. Gre001 to Gre013 prepared by RDS Design Services Pty Ltd

Amended Plans: NO

Applicant: B P Green, J E Green

Owner: B P Green, J E Green

Locality: F5 Curl Curl

Category: Category 1- housing

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible with Consent

Variations to Controls YES- Uppermost ceiling height, front and rear building setback, side boundary envelope and landscaped open space (supported)

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

Referred to WDAP: NO

Land and Environment Court Action: NO

SUMMARY

Submissions: YES - 4 submissions

Submission Issues: Non compliant front building setback and side boundary envelope, view loss, overshadowing, privacy issues, and inadequate information

Assessment Issues: Non compliant front building setback and side boundary envelope, view loss

Recommendation: Approval, subject to conditions

Attachments: Site and Elevation Plans

Ground floor:

Alterations and additions to the existing ground floor, including a new double garage, bathroom, storage areas, and a terrace at the rear of the dwelling.

New first floor addition:

The first floor addition will accommodate a bathroom, sunroom, living room, kitchen with pantry, dining room, and two terraces at the front and rear of the dwelling respectively.

External work:

1. A widened driveway leading to the new double garage in the front yard
2. A new swimming pool (8 metres x 3.2 to 4 metres) at the rear yard
3. Landscaping works

AMENDED PLANS

There is no amended plan for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA 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) Warringah Local Environmental Plan 2000
- f) Warringah Development Control Plan
- g) Draft Warringah Local Environmental Plan 2009

PUBLIC EXHIBITION

This application was notified by letter dated 16 July 2009 to 22 adjoining land owners and occupiers in accordance with the EPA Regulation 2000 and Warringah Development Control Plan (adopted 13 December 2005). Four (4) submissions were received from the followings in response to the notification of the application:

A Rulli	No.54 Headland Road, North Curl Curl
B & N Martin	No.56 Headland Road, North Curl Curl
R and M Ferguson	No.58 Headland Road, North Curl Curl
A Hines	No.60 Headland Road, North Curl Curl

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

1. The non compliant front building setback of 3.4 metres is inappropriate for the following reasons:
 - The existing carport and garages within the 6.5 metres front setback requirement at the adjoining No.59, 61 and 63 Headland Road were not subject to the current WLEP 2000 and therefore should not be used as precedents.
 - The non compliance would have a negative impact on the streetscape.
 - The non compliance would reduce opportunities for off street carparking where visitors may park their cars at the driveway between the front boundary and the building at the site.

- A compliant front setback would result in the structure relocated towards the lower part of the site, thereby reducing the RL of the building height and the extent of view loss from the properties to the north
- A compliant front setback would allow better sunlight access to the neighbouring properties to the west.

Comment:

The variation to the front building setback requirement is addressed in Clause 20 in this report. It is noted that the existing garages at the minimum front setback area are not to be used as precedent. However, the proposed garage in the minimum front setback area generally aligns with the adjoining structures which help screen the proposal so that it will not be visually prominent or dominating. It will not have an adverse impact on the views or sunlight access in accordance with the general principles of development control. In summary, the proposal is consistent with the merit considerations of the control and is supported. The concern does not warrant a refusal of this application.

2. The non compliant side boundary envelope is an unacceptable building bulk and will detract from the existing views obtained from the properties to the north.

Comment:

The variation to the side boundary envelope control is addressed in Clause 20 in this report. In summary, the encroachment is minor and is located at the lower part of the building, and will not be readily visible. The encroachment will interfere with the view corridor downhill, however only to the extent that it will affect distance views between side setbacks. In summary, the proposal is consistent with the merit considerations of the control and is supported. The concern does not warrant a refusal of this application.

3. The proposal will affect the existing views obtained from the following properties:
 - No. 54 Headland Road (currently through the existing side setbacks at the site). A fully compliant dwelling would help preserve the existing view.
 - No. 56 Headland Road from the living area on ground floor and first floor. An amended roof design would help preserve the existing view.
 - No. 58 Headland Road from the living area on ground floor and first floor. An amended roof design would help preserve the existing view.
 - No. 60 Headland Road (currently over the roof of the existing building at the site).

The view loss impact is unacceptable for the following reasons:

- The view loss impact is exacerbated by the encroachment in the front building setback and side boundary envelope. A development complying with the relevant built form controls and an amended roof redesign would reduce the view loss impact.
- No photomontage has been prepared for No.54 Headland Road
- View loss would have a negative impact on property values

Comment:

Potential view loss as a result of the proposal is addressed in Clause 61 in this report. The proposal will interfere with views obtained from the properties on the northern side of Headland Road, however the extent and scope of impact is inevitable having regard to the prevailing planning controls applying to the site and is not considered to be unreasonable. The proposal is consistent with the relevant planning principle and Clause 61- Views of the WLEP 2000.

Considering the location of No.54 Headland Road to the northeast of the subject site, the proposal will interfere with downhill district views obtained from No.54 Headland Road that is not considered a significant view. No photomontage is required for the purpose of assessing view loss in this case.

Pursuant to the matters for consideration provided in Section 79(c) of the Environmental Planning and Assessment Act, the potential impact on property values as a result of the proposal does not affect the determination of this application. This application is consistent with the relevant planning controls.

In summary, the concerns on view loss impact do not warrant a refusal of this application.

4. The proposal will overshadow the windows of No.63 Headland Road

Comment:

Sunlight access to the surrounding properties as a result of the proposal is addressed in Clause 62 in this report. The proposal will overshadow the rear yard of the adjoining No.63 and 67 Headland Road, however the impact is inevitable having regard to the prevailing planning controls applying to the site and is not considered to be unreasonable. In summary, the proposal is acceptable in address the requirement of Clause 62 of the WLEP 2000. The General Principle of Development Control Clause 62 does not make reference to overshadowing impact on windows of dwelling, hence the concern is not considered to have a determining weight.

5. The proposed eastern elevation of the dwelling includes too many windows and impinges on the privacy of neighbour.

Comment:

Privacy issues of the surrounding properties are addressed in Clause 65 in this report and considerations are given to the use of the rooms. Lower occupancy rooms are given lesser weight in terms of privacy issues, whilst conditions of consent are included in the draft consent with regards to the windows associated with the kitchen and the first floor rear terrace that will result in direct overlooking of habitable rooms and principal private open spaces of other dwellings. In summary, subject to conditions, the proposal is consistent with the requirements of Clause 65 of the WLEP 2000- Privacy and the concern is not considered to have a determining weight.

6. The proposed does not comply with the minimum landscaped open space requirement that is unacceptable for the following reasons:

- To create a landscaped front setback area.
- A compliance would imply the requirement of a reduced building footprint and hence a compliance with the 6.5 metres front setback requirement.
- Excessive impervious areas at the site.

Comment:

Variation to the landscaped open space control is addressed in Clause 20 in this report. It is noted that the proposal will result in an increase in the landscaped open space at the site. It is consistent with the merit considerations of the control and the General Principle of Development Control, and is supported. Therefore, the concern is not considered to have a determining weight.

7. The proposed and the required two carparking spaces are inappropriate given with the existing 2.4 car ownership at the Northern Beaches.

Comment:

Schedule 17 of the WLEP 2000 provides a carparking requirement of 2 carparking spaces for detached style housing. The proposal complies with this requirement and therefore is satisfactory. No further consideration of this Clause is required.



8. The construction works would disturb asbestos during demolition process.

Comment:

Standard conditions with regards to work and safety during demolition and construction process address this concern.

9. The BASIX Certificate makes reference to a rainwater tank which is not included in the plans submitted.

Comment:

Considerations of this concern is given to the following:

- The BASIX Certificate submitted for this application requires a rainwater tank at the site that should be indicated on the development application plans that however is not shown. Standard conditions ensuring compliance with a BASIX Certificate address the requirement of the State Environmental Planning Policy- BASIX.
- The site is not subject to bushfire, flooding or Acid Sulphate Soil, and can be benefit from exempt development. Accordingly, rainwater tanks could be built at the site, provided with compliance with Schedule 1 of the WLEP 2000, without Council's consent.

In summary, no additional information with regards to the rainwater tank is required, and conditions address the concern.

10. The documents submitted for the proposal are inadequate.

- The notification plan does not identify the elevation plans whether being eastern or western, boundaries of the site, or the extent of the proposed alterations and additions, and the colours used are difficult to read.
- The part of the Statement of Environmental Effects with regards to views refers only to the consultation to the immediately adjoining neighbour to the east and west, but not across Headland Road to the north.

Comment:

- The notification plan serves the purpose of informing the surrounding property owners and occupants of a development application at the site, whilst the accompanied notification letter also advises the owners and occupants the opportunity to view the complete set of submitted plans. Therefore, the notification plan is satisfactory in addressing the Environmental Planning and Assessment Regulations and the Warringah Local Environmental Plan.
- Consultation with adjoining neighbour is good practice but not required by the relevant legislations.

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

MEDIATION

Three mediation requests were also received in response to the notification from the following:

A Rulli	No.54 Headland Road, North Curl Curl
B & N Martin	No.56 Headland Road, North Curl Curl
R and M Ferguson	No.58 Headland Road, North Curl Curl

The mediation requests raise concerns which are substantially the same as those contained in the submissions as addressed above. In summary, the concerns are not considered to have a determining weight. A mediation is not appropriate in this case.

REFERRALS

Council's Development Engineers have reviewed the proposal and advised no objection subject to conditions, which are included in a consent should this application be deemed worthy of approval.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	The proposal is consistent with the relevant environmental planning instrument. See the "SEPP" and "WLEP" sections in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	The proposal is consistent with the Draft Warringah Local Environmental Plan 2009.
Section 79C (1) (a)(iii) – Provisions of any development control plan	This application was notified in accordance Warringah Development Control Plan.
Section 79C (1) (a)(iia) – Provisions of any 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 this provision.
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 proposed alterations and additions to an existing dwelling in an urban setting will not have a substantial impact on the natural environment. (ii) The proposal will not be visually prominent or dominating in the streetscape or on long distance views. It will not have an adverse impact on the amenity of the surrounding properties, in terms of views, privacy and sunlight access. Therefore, the proposal will not have an adverse impact on the built environment. (iii) The proposal will continue the existing residential use of the site that is consistent with the surrounding residential land. Therefore, the proposal will not have a substantial social or economic impact in the locality.
Section 79C (1) (c) – the suitability of the site for the development	There are no natural 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	Four (4) submissions were received in response to the notification of this application that are addressed in "Notification and submissions" in this report.
Section 79C (1) (e) – the public interest	The public interest is ensured by ensuring that the proposal is consistent with the relevant planning controls. The proposal is consistent and is therefore in the public interest.

ENVIRONMENTAL PLANNING INSTRUMENTS

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 for alterations and additions to an existing dwelling that is consistent with the existing 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
Minimum Subdivision Lot Size:	1 dwelling for 450 sqm. This application is not for subdivision.	NA	NA
Height of Buildings:	8.5 metres	8.2 metres	YES

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

Warringah Local Environment Plan 2000

Desired Future Character

The subject site is located in the F5 Curl Curl Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

LOCALITY F5 CURL CURL

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

Future development will maintain the visual pattern and predominant scale of detached style housing in the locality. The streets are to be characterised by landscaped front gardens and front building setbacks which are consistent with surrounding development. The exposed natural sandstone rock outcrops throughout the locality will be maintained. Development on prominent hillsides or hilltops must be designed to integrate with the landscape, topography and long distance views of the hill. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

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

The proposal is defined as Category 1 development in this locality, being alterations and additions to "housing". 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 Uppermost Ceiling Height, Front Building Setback, Side Boundary Envelope and Landscaped Open Space Controls, 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 required. The proposal is consistent with the DFC for the following reasons:

- The proposal is for detached style housing.
- The proposal will result in a two and three storey dwelling, and involves an encroachment into the minimum front setback requirement. This is however of a bulk and scale that is not inconsistent with the adjoining No.63 Headland Road and other similar dwellings in the street and locality. Therefore, the proposal will maintain the visual pattern and predominant scale of detached style housing in the locality.
- The proposal includes a widening of the driveway in the front setback area in place of existing landscaping, and a garage partially encroaching in the minimum front setback area. This is however not inconsistent with that at the adjoining No.63 Headland Road to the east. Therefore, the proposed front gardens and front building setbacks will be consistent with surrounding development.
- The land does not contain Bowling Club or natural sandstone rock outcrops. It is not located on prominent hillsides or hilltops, or identified a local retail centre. This application is not for subdivision.

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	Compliance
Housing Density	1 dwelling for 450 sqm min	Existing maintained at 1 dwelling for 455.3 sqm	N/A
Building Height	8.5 metres max	8.2 metres max	YES
Uppermost Ceiling Height	7.2 metres max	7.4 metres max	NO
Front Building Setback	6.5 metres min	- Garage: 3.4 metres - Alterations and additions to dwelling: 3.4 metres min	NO NO
Rear Building Setback	6.0 metres max The rear building setback may be encroached by exempt development, swimming pools and outbuildings which in total do not exceed 50% of the rear setback area.	- Alterations and additions to dwelling: 18.2 metres min - Swimming pool: 1 metre The part of the swimming pool and coping within the rear setback area (50sqm) represents 83.33% of the rear setback area (60 sqm).	YES NO
Side Boundary Envelope	5 metres / 45 degrees	Eastern boundary envelope Exceeds by 1.1 metre max Western boundary envelope Exceeds by 1.4 metre max	NO NO
Side Setback	0.9 metre min	Eastern side setback - Alterations and additions to dwelling: 0.943 metre min - Swimming pool: 0.9 metre Western side setback - Alterations and additions to dwelling: 0.99 metre min - Swimming pool: 0.9 metres	YES YES YES YES
Landscaped Open Space	40% of the site area min	30.2% of the site area (137.5 sqm)	NO

The proposal fails to satisfy the Locality's Uppermost Ceiling Height, Front and Rear Building Setback, Side Boundary Envelope and Landscaped Open Space 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 generally consistent with the General Principles of Development Control. (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. (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 the relevant 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).

Variations Sought:

Uppermost Ceiling Height

Built Form Standard	Required	Proposed	Compliance
Uppermost Ceiling Height	7.2 metres max	7.4 metres max	NO

The merit considerations of the building height 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.

The non compliance is consistent with the merit considerations of the control for the following reasons:

- The proposal complies with the overall building height control and includes a gable roof. The non compliant uppermost ceiling height does not have a material impact on the visual bulk. Therefore, the proposal will not be visually prominent or dominating.
- The proposal does not have an adverse impact on the amenity of the surrounding land, in view, sunlight access and privacy, in accordance with the relevant clauses.
- Merit consideration is also given to the 0.2 metre non compliance that is minor.

Front Building Setback

Built Form Standard	Required	Proposed	Compliance
Front Building Setback	6.5 metres min	• Garage: 3.4 metres	NO
		• Alterations and additions to dwelling: 3.4 metres	NO

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.

Garage

The proposed garage within the minimum front setback requirement is 6.261 metres long, whilst the minimum requirement contained in Clause 75- Design of carparking areas is 5.4 metres. As such, a condition is included to reduce the length of the garage to result in a 4.2 metres front setback to reduce the extent of non compliance.

The non compliant 4.2 metres front setback is consistent with the merit considerations of the control for the following reasons:

- The proposed non compliance refers to a single storey structure accommodating a double garage that complies with the carparking provision contained in Schedule 17 and is not unreasonable.
- The adjoining No.59, 61 and 63 Headland Road to the east include garage partially located within the front setback requirement. As such, the proposed garage which does not exceed the adjoining front building lines will not be visually prominent or dominating, and will not have an adverse impact on the streetscape on Headland Road. It will also not have an adverse impact on the visual continuity and pattern of buildings, front gardens and landscape elements.

Alterations and additions to dwelling

Subject to condition, the alterations and additions to the dwelling are set back 4.2 metres and a staircase set back 5.8 metres from the front boundary of the site. They are consistent with the merit considerations of the control for the following reasons:

- The proposed non compliance refers to a first floor terrace and a staircase adjacent to the garage that are generally considered with lesser visual bulk. As such, the proposal will not have an adverse impact on the sense of openness. The structures above or behind the ground floor building line will not have a substantial impact on the streetscape, the visual continuity and pattern of buildings, or front gardens.
- The terrace above the non compliant garage and the staircase which is not unreasonable for its purpose or excessive in its building footprint will not have an adverse impact on landscaping opportunities.

Rear Building Setback

Built Form Standard	Required	Proposed	Compliance
Rear Building Setback	6.0 metres max The rear building setback may be encroached by exempt development, swimming pools and outbuildings which in total do not exceed 50% of the rear setback area.	Swimming pool: 1 metre The part of the swimming pool and coping within the rear setback area (50sqm) represents 83.33% of the rear setback area (60 sqm).	NO

The merit considerations of the rear building setback are to:

- Create a sense of openness in rear yards
- Preserve the amenity of adjacent land
- Maintain the visual continuity and pattern of buildings, rear gardens and landscape elements
- Provide opportunities to maintain privacy between dwellings

The non compliance is consistent with the merit considerations of the control for the following reasons:

- The proposed alterations and additions to the actual dwelling is 18.2 metres minimum from the rear boundary. The separation distance between the dwelling and the swimming pool and coping that will be landscaped will create a sense of openness in the rear yard.
- Swimming pool and coping in rear yards is not uncommon. The rear building line of the dwelling align with that at the adjoining sites that will maintain the visual continuity and pattern of buildings, rear gardens and landscape elements.

Side Boundary Envelope

Built Form Standard	Required	Proposed	Compliance
Side Boundary Envelope	5 metres / 45 degrees	<i>Eastern boundary envelope</i> Exceeds by 1.1 metre max	NO
		<i>Western boundary envelope</i> Exceeds by 1.4 metre max	NO

The merit considerations of the side boundary envelope control are to:

- 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
- Create a sense of openness

The non compliances are consistent with the merit considerations of the control for the following reasons:

- The proposal complies with the overall building height. The non compliant side boundary envelope at the lower part of the site will not be visually dominant on Headland Road.
- The proposal will not have an adverse impact on the amenity of the surrounding land, in terms of views, sunlight access and privacy, in accordance with the relevant clauses.
- The proposed rear terrace on the upper level helps step down the dwelling in accordance with the site topography.
- The proposal complies with the relevant building setback that will provide separation between buildings, landscaping opportunities and a sense of openness.

Landscaped Open Space

Built Form Standard	Required	Proposed	Compliance
Landscaped Open Space	40% of the site area min	30.2% of the site area (137.5 sqm)	NO

The merit considerations of the landscaped open space control are to:

- Enable the establishment of appropriate planting to maintain and enhance the streetscape and the desired future character of the locality
- Enable the establishment of appropriate planting that is of scale and density commensurate with the building height, bulk and scale
- Enhance privacy between dwellings
- Accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants
- Provide space for service functions including clothes drying

- Facilitate water management including on site detention and the infiltration of stormwater
- Incorporate the establishment of any plant species nominated in the relevant locality statement
- Conserve significant features of the site

The non compliances are consistent with the merit considerations of the control for the following reasons:

- Merit considerations are given to the existing landscaped open space at the site which is 18.86% of the site area (86 square metres). The proposal represents an increase in the total landscaped open space at the site from 18.86% to 30.2%.
- The proposed widened driveway at the front setback area for the double garage is not unreasonable and is consistent with the adjoining properties.
- The proposed landscaped open space at the rear yard is of such area and dimension capable of accommodating appropriate outdoor recreational needs and suits the anticipated requirements of dwelling occupants, providing space for service functions and facilitating water management.

Clause 20 Variations Supported

As detailed above, the proposed development satisfies 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 Uppermost Ceiling Height, Front and Rear Building Setback, Side Boundary Envelope and Landscaped Open Space Controls. It is for these reasons that the variations to the Built Form Controls (Development Standard) pursuant to Clause 20(1) are 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 provides that development is not to result in overspill or glare from sun reflection, which would unreasonably diminish the amenity of the locality. Condition addresses the provision.	YES subject to condition
CL39 Local retail centres	NO	Not applicable.	N/A
CL40 Housing for Older People and People with Disabilities	NO	Not applicable.	N/A
CL41 Brothels	NO	Not applicable.	N/A
CL42 Construction Sites	YES	Considerations of this Clause are given to the following: • The proposed alteration and additions to the dwelling can be undertaken within the confines at the site. • The proposal at a locality characterised by residential land and urban setting will not have an adverse impact on traffic or the natural environment. • Conditions ensure that the construction site will be managed to ensure air and water borne pollutants are minimised. Subject to condition, the proposal will not 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

General Principles	Applies	Comments	Complies
CL43 Noise	YES	Conditions are of this Clause are given to the following: - The proposal will continue the existing residential use of the site that is consistent with the surrounding residential land. - Conditions are included in the draft consent to address noise generated during the construction works for the proposal. In summary, subject to condition, the proposal will not result in noise emission which would unreasonably diminish the amenity of the area, or noise intrusion which would be unreasonable to the occupants, and is satisfactory in addressing this Clause.	YES subject to condition
CL44 Pollutants	NO	Not applicable.	N/A
CL45 Hazardous Uses	NO	Not applicable.	N/A
CL46 Radiation Emission Levels	NO	Not applicable.	N/A
CL47 Flood Affected Land	NO	Not applicable.	N/A
CL48 Potentially Contaminated Land	YES	The site has been used for residential purposes since being developed for housing and there is no indication of contaminated land. The proposal is consistent with the existing land use at the site. Therefore, no further consideration of this Clause is required.	YES
CL49 Remediation of Contaminated Land	NO	Not applicable.	N/A
CL49a Acid Sulfate Soils	NO	Not applicable.	N/A
CL50 Safety & Security	YES	The proposal includes a terrace on the first floor street frontage of the dwelling that will provide outlook and casual surveillance to Headland Road. Therefore, the proposal will maintain the safety and security of the locality, and is satisfactory in addressing this Clause.	YES
CL51 Front Fences and Walls	YES	The proposal includes a wall/ fence between 1.226 and 1.397 metres high along the front boundary of the site, with the exception of the driveway. Considerations of this Clause are given to the following: - The wall/ fence is not unlike that at the adjoining properties to the east, and therefore will be compatible with the existing streetscape. - The 1.226 and 1.397 height, and the transparent fence incorporated into the design of the longer wall, will allow casual surveillance to Headland Road. Therefore, the proposal is consistent with the streetscape and allows casual surveillance, and is satisfactory in addressing this Clause.	YES
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	NO	Not applicable.	N/A
CL53 Signs	NO	Not applicable.	N/A
CL54 Provision and Location of Utility Services	YES	The existing satisfactory provision of utility services will be maintained. No further consideration of this Clause is required.	YES

General Principles	Applies	Comments	Complies
CL55 Site Consolidation in 'Medium Density Areas'	NO	Not applicable.	N/A
CL56 Retaining Unique Environmental Features on Site	NO	Not applicable.	N/A
CL57 Development on Sloping Land	NO	Not applicable.	N/A
CL58 Protection of Existing Flora	NO	Not applicable.	N/A
CL59 Koala Habitat Protection	NO	Not applicable.	N/A
CL60 Watercourses & Aquatic Habitats	NO	Not applicable.	N/A
CL61 Views	YES	In assessing view loss resulting from this development, the Planning Principles of View Sharing identified by Dr John Roseth, Senior Commissioner of the Land and Environment Court have been adopted to provide a framework for assessment of views in this instance as follows: <u>Assessment of views to be affected.</u> The land falls towards the south. The properties to the north of the site across Headland Road, namely No.56, 58 and 60 Headland Road have views towards a public reserve, the headland and the ocean downhill. The view is considered of significance. No.54 Headland Road is located to the northeast of the subject site, where outlook across the subject site is district view that is not significant, whilst ocean view is via the adjoining No.61 and 63 Headland Road. Hence, no further consideration of the view loss impact at No.54 Headland Road is required. <u>From what part of the property are the views obtained</u> The view being considered includes the following (It is noted that this planning principle gives particular weight to views obtained from living areas over bedrooms and other ancillary rooms.):  Photo taken from the outside of No.54 Headland Road (access could not be gained) where views are currently obtained over the single storey structure at the subject site.	

General Principles	Applies	Comments	Complies
		 Photo taken from the first floor living area of No.56 Headland Road (a lesser view can also be obtained from the living area on ground floor.)  Photo taken from the outside of No.58 Headland Road that is similar to the view obtained inside (access could not be gained)  Photo taken from the living area of No.60 Headland Road <u>Assessment of the extent of the impact</u> The proposal includes an additional storey and an increased building footprint downhill and will interfere with the views obtained from the surrounding properties as follows: No.56 Headland Road directly across the road. The downhill views towards the public reserve and the adjoining part of the coastline will be interfered, however No.56 Headland Road will continue to retain the existing views towards the substantial part of the headland and the adjoining part of the coastline. The impact on No.56 Headland Road is considered moderate.	

General Principles	Applies	Comments	Complies
		 Photomontage of the current proposal from No. 56 Headland Road. No.58 and 60 Headland Road The predominant downhill view from No.58 and 60 Headland Road will be interfered by the proposed dwelling. The photomontages in the following discussions demonstrate the extent of the impact. The impact on No.58 and 60 Headland Road is considered devastating. <u><i>Reasonableness of the proposal</i></u> Considerations of this part of the principle are given to the following: • The adjoining properties of the site at No.63 and 67 Headland Road are occupied by three storey dwellings. The proposed additional storey is generally consistent with the height and bulk of the adjoining properties. • The proposal complies with the overall building height control. The proposal is of such height and bulk and is consistent with that intended in the built form control. • The proposal complies with the side setback requirement but exceeds the side boundary envelope provision. Below are photomontages demonstrating that the non compliance will interfere with a view corridor, however only to the extent to affect distance views between side setbacks that is not a significant view and that should not deny this proposal from benefiting from a variation to the control.   Photomontage of the current proposal when viewed from No.58 and 60 Headland Road	

General Principles	Applies	Comments	Complies
		The photomontages below demonstrate an alternative design complying with the requirement when viewed from No.58 and 60 Headland Road. The retained view as a result of the draft compliance is minor and insignificant.  In summary, despite the devastating impact of the proposal on No.60 Headland Road, the proposal is consistent with the height and bulk intended by the built form controls and with that at the adjoining properties, and the extent and scope of view loss is inevitable. On balance, the proposal will allow reasonable sharing of view in accordance with the planning principle and is therefore consistent with this Clause.	
CL62 Access to sunlight	YES	The proposal will affect sunlight access to the adjoining No.63 and 67 Headland Road to the east and west. The principal private open spaces of the adjoining properties, the part immediately adjacent to the dwelling, receives less than 2 hours of sunlight between 9am and 3pm on June 21 and does not comply with the requirement contained in this Clause. However the proposal is not unacceptable for the following reasons: • Overshadowing of the principal private open space (the part immediately to the south of the dwelling) by the dwelling at north-south oriented sites is inevitable. The principal private open space at No.63 and 67 Headland Road is largely overshadowed by the respective dwellings at the two sites. • The proposal will detract from the morning sun obtained from No.67 Headland Road, and the afternoon sun from No.63 Headland Road that is inevitable in north-south oriented sites. • The overshadowing impact is exacerbated by the topography of the site that falls to the south. • The dwelling does not comply with side boundary envelope. Should the proposal be compliant, there would be marginal additional sunlight to the rear part of the rear yard and no improvement to the principal part of the open space. In summary, the proposal inevitably overshadows the surrounding properties, and is acceptable in addressing this Clause.	YES

General Principles	Applies	Comments	Complies
CL63 Landscaped Open Space	YES	The proposal does not comply with the minimum landscaped open space requirement. However, the proposal will result in an increase in the existing landscaped open space at the site. - The proposal includes a widened driveway at the front setback area for the double garage that is not unreasonable and is consistent with that at the adjoining properties. - The proposed landscaped open space at the rear yard is of such area and dimension capable of accommodating appropriate outdoor recreational needs and suits the anticipated requirements of dwelling occupants, providing space for service functions and facilitating water management. In summary, the proposed landscaped open space is satisfactory in addressing this Clause.	YES
CL63A Rear Building Setback	YES	The proposed dwelling is set back 18 metres minimum from the rear boundary, and the proposed swimming pool and coping is located towards the rear part of the rear yard that is not uncommon or unreasonable in residential settings. The separation distance between the dwelling and the swimming pool and deck will be landscaped that will create a sense of openness in the rear yard. The rear building line of the dwelling aligns with that of the adjoining properties that will maintain the visual continuity and pattern of buildings, rear gardens and landscape elements. Therefore, the proposed rear yard is satisfactory in addressing this Clause.	YES
CL64 Private open space	YES	Considerations of this Clause are given to the rear yard that: - Will be set apart for private use. - Not be directly accessible from the living area which is on the uppermost level. This however is not unacceptable, considering that there are two decks on the uppermost level directly accessible from the living area supplementing as private open space. - Not be capable of receiving sunlight that is however not unacceptable for the following reasons: - Overshadowing of private open space to the south of the dwelling by the dwelling at north-south oriented sites is inevitable. - The overshadowing impact is exacerbated by the topography of the site that falls to the south. - The dwelling does not comply with side boundary envelope. Should the proposal be compliant, there would be marginal additional sunlight to the rear part of the rear yard, but not to the principal part of the open space. - There is a north facing deck that receives adequate sunlight. - Complies with the minimum dimension and area contained in this Clause. In summary, the private open space is satisfactory in addressing this Clause.	YES

General Principles	Applies	Comments	Complies
CL65 Privacy	YES	Considerations of this Clause are given to the following adjoining properties: No.63 Headland Road to the east The proposed east facing windows will have close direct view to the windows of the adjoining dwelling. Entry foyer and pantry are lower occupancy rooms where lesser weight are given to privacy issues. A condition is included in the draft consent so that the kitchen window is fixed with opaque glazing to prevent sightlines to the affected property. No.67 Headland Road to the west The proposed west facing windows associated with the living room will overlook the front yard of the adjoining property, and that associated with the staircase will be in close direct view to the windows of the adjoining dwelling. However, the front yard is not considered a principal private open space compared with the southern setback area of the adjoining dwelling, and staircase is for thoroughfare that is lesser likely to be occupied and are generally given with lesser weight in privacy issues. Considerations are also given to the first floor rear terrace that will have sightlines to the balcony/ terrace and rear yard of the adjoining properties resulting in privacy issues. The terrace is 5.2 metres wide, a reduced length will help reduce the extent of privacy issues whilst maintaining a functional dimension for the occupants. As such, recommended conditions are included to reduce the terrace to 3 metres wide generally aligning with the rear building line behind the balcony/ terrace of the adjoining dwellings, and privacy screens along the eastern and side perimeters to prevent close direct sightlines to windows. In summary, 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.	YES subject to condition
CL66 Building bulk	YES	Considerations of this Clause are given to the following: - The proposal does not comply with the side boundary envelope provision. However, the encroachment is minor and is located at the rear part of the dwelling that is not readily visible from Headland Road, and is supported as discussed in Clause 20 in this report. - The proposal does not include large continuous wall planes. - No trees are required in this case. In summary, the proposal is satisfactory in addressing this Clause.	YES
CL67 Roofs	YES	The proposed roof 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	The BASIX Certificate submitted for the proposal effectively addresses the requirement of this Clause.	YES
CL69 Accessibility – Public and Semi-Public Buildings	NO	Not applicable.	N/A
CL70 Site facilities	YES	Considerations of this Clause are given to the following: The proposal includes garbage and recycling bin in the front setback area behind the front boundary wall. It is adequate in size and will not be readily visible from Headland Road.	YES

General Principles	Applies	Comments	Complies
		- The proposed rear yard complying with the minimum requirement is capable of providing open air clothes drying facilities. - The proposal includes an area for general storage. In summary, the proposal is satisfactory in addressing this Clause.	
CL71 Parking facilities (visual impact)	YES	The proposed double garage is integrated into the design of the house, and generally aligns with the front building line of the adjoining properties to the east. Therefore, the garage will not be visually prominent or dominating the streetscape, and is satisfactory in addressing this Clause.	YES
CL72 Traffic access & safety	YES	The proposed widening of the existing driveway at generally the same location will substantially maintain the existing access point and thereby traffic access and safety. No further consideration of this Clause is required.	YES
CL73 On-site Loading and Unloading	NO	Not applicable.	N/A
CL74 Provision of Carparking	YES	The proposed double garage meets the requirement of two carparking spaces for dwellings as per Schedule 17 and thereby the requirement of this Clause.	YES
CL75 Design of Carparking Areas	YES	The proposed double garage meets the minimum dimension provided in this Clause.	YES
CL76 Management of Stormwater	YES	Council's Development Engineers have reviewed the proposal and raised no particular concerns on stormwater management. Accordingly, the proposal is satisfactory in addressing this Clause.	YES
CL77 Landfill	NO	Not applicable.	N/A
CL78 Erosion & Sedimentation	YES	The proposed alterations and additions are immediately adjacent to the existing dwelling at the site where land has been previously disturbed. Conditions are included in the draft consent to ensure minimum soil erosion and maintenance of downstream water quality. Subject to condition, the proposal is unlikely to result in erosion and sedimentation, and is satisfactory in addressing this Clause.	YES subject to condition
CL79 Heritage Control	NO	Not applicable.	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	YES	The site is identified with moderate Aboriginal heritage potential and there is no identified Aboriginal item. The proposed alterations and additions to the dwelling is immediately adjacent to the existing dwelling at the site where land has been previously disturbed and is unlikely to affect Aboriginal relics. No further consideration of this Clause is required. A condition is included in the draft consent in case of the unearthing of Aboriginal relics during the excavation for the swimming pool.	YES subject to condition
CL81 Notice to Heritage Council		Repealed	
CL82 Development in the Vicinity of Heritage Items	NO	Not applicable.	N/A
CL83 Development of Known or Potential Archaeological Sites	YES	The site is identified with moderate Aboriginal heritage potential and there is no identified Aboriginal item. The proposed alterations and additions to the dwelling is immediately adjacent to the existing dwelling at the site where land has been previously disturbed and is unlikely to affect Aboriginal relics. No further consideration of this Clause is required. A condition is included in the draft consent in case of the unearthing of Aboriginal relics during the excavation for the swimming pool.	YES subject to condition

Schedule 8 - Site analysis

This application includes a site analysis for the property including access points, adjacent buildings and uses, geography of the site and surrounds, separations distances and previous building footprint that are satisfactory in addressing the requirement of this Clause.

Schedule 17 - Carparking Provision

	Required	Proposed	Complies
Dwelling House	Two (2)	Two (2)	YES

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Warringah Section 94A Development Contribution Plan is applicable to this proposal, as which the value of work is greater than \$100,000. The following monetary contributions are applicable and conditions are included in the draft consent to address the provision of this plan:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$	476,515.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$4,527	Rams
S94A Planning and Administration	0.05%	\$238	Rams
Total	1.0%	\$4,765	

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79(c) of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy- Building Sustainability Index (BASIX), Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council.

The proposal is consistent with the Desired Future Character of the locality. It does not comply with the uppermost ceiling height, front building setback, side boundary envelope and landscaped open space controls of the locality. However, the non compliances are consistent with the merit considerations of the controls, and are a result of the topography of the site and relationship with the existing adjoining buildings. In particular the proposed garage in the minimum front setback area is not unlike that at the adjoining properties to the east, the landscaped open space is an improvement to the existing situation, and the encroachments in the uppermost ceiling height and side boundary envelope are minor. They do not result in significant impact on the streetscape or amenity of the adjoining properties. Hence, the variations to the controls are supported.

The proposal will interfere with downhill views to the ocean and the headland obtained from the properties to the north across Headland Road. However, the proposal is of such height and bulk consistent with that intended in the built form control, and expectations to retain views over the roof top of the existing single and two storey dwelling and the side building setbacks between dwellings are unrealistic and should be expected in such a situation. Hence, the view loss as a result of the proposal is consistent with the relevant planning principle and Clause 61 of the WLEP 2000- Views.

The proposal will not be visually prominent or dominating the streetscape. It will not have an adverse impact on the amenity of the surrounding residents, in terms of sunlight access and privacy. It is consistent with the relevant General Principles of Development Controls. Accordingly, the proposal is recommended for approval.

RECOMMENDATION

- A. That Council as the consent authority grant Development Consent to DA 2009/0889 for alterations and additions to an existing dwelling house, including a ground and first floor additions, new swimming pool and widened driveway at 65 Headland Road, North Curl Curl 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 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
Gre002 Site Plan, Site analysis, landscape, sedimentation and roof plan	25/06/2009	RDS Design
Gre003 Existing basement level and new pool	25/06/2009	RDS Design
Gre004 Ground floor plan	25/06/2009	RDS Design
Gre005 First floor plan	25/06/2009	RDS Design
Gre007 East elevation	25/06/2009	RDS Design
Gre008 West elevation	25/06/2009	RDS Design
Gre009 North elevation	25/06/2009	RDS Design
Gre013 Plan and cross section through pool	25/06/2009	RDS Design

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) 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.
- (d) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

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. Development/Construction Security Bond

A bond (determined from cost of works) of \$1000 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.

5. 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.

6. Stormwater Disposal

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACEsd3)

7. 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		\$ 476,515.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$4,527	Rams
S94A Planning and Administration	0.05%	\$238	Rams
Total	1.0%	\$4,765	

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)

8. 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.(DACPLC02)

9. 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)

10. Privacy Treatment

- a. The south facing terrace on the first floor is to be reduced to 3 metres wide maximum.
- b. Two x 1.65 metre high minimum privacy screens (measured from finished floor level) are to be erected for the entire length of the eastern and western edges of the south facing terrace on the first floor. The privacy screens shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials and colours that complement in design of the approved development.
- c. The east facing window associated with the kitchen on the first floor is to be fixed with opaque glazing.

Amended plans demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: In order to maintain privacy to the adjoining properties.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

11. 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).

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. 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.

13. Layback Construction

A layback 5] metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

14. 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.*

15. 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.*

16. Vehicle Crossings

The provision of 1 vehicle crossing 5 metres wide in accordance with Warringah Council Drawing No A4-3330/ N/L 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.*

17. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.(DACPLE02)



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

18. Swimming Pool Requirements

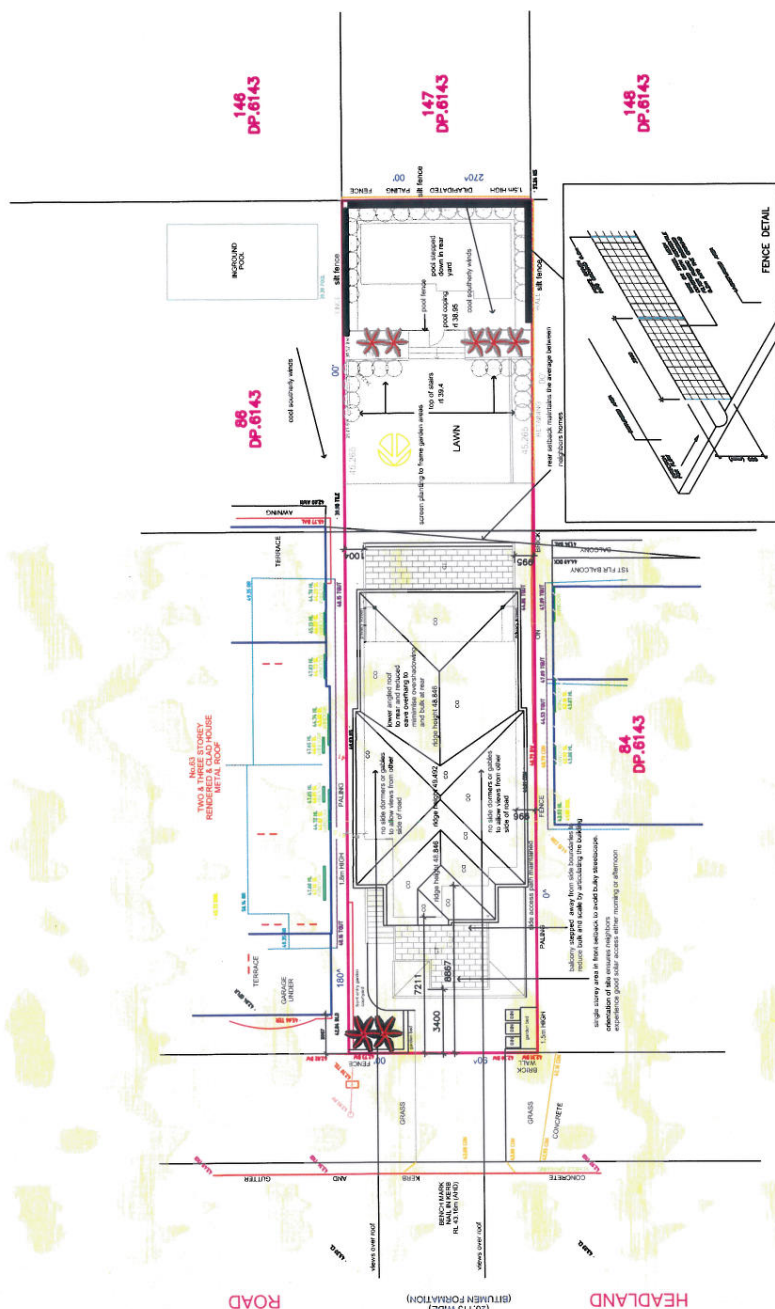
The Swimming Pool / Spa shall not be filled with water nor be permitted to retain water until:

- (a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:
 - (i) Swimming Pools Act 1992;
 - (ii) Swimming Pools Regulation 2008
 - (iii) Australian Standard AS1926 Swimming Pool Safety
 - (iv) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (v) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools
- (b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.
- (c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.
- (d) A warning sign stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL' has been installed.
- (e) All signage shall be located in a prominent position within the pool area.

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

Reason: To protect human life (DACPLF09)

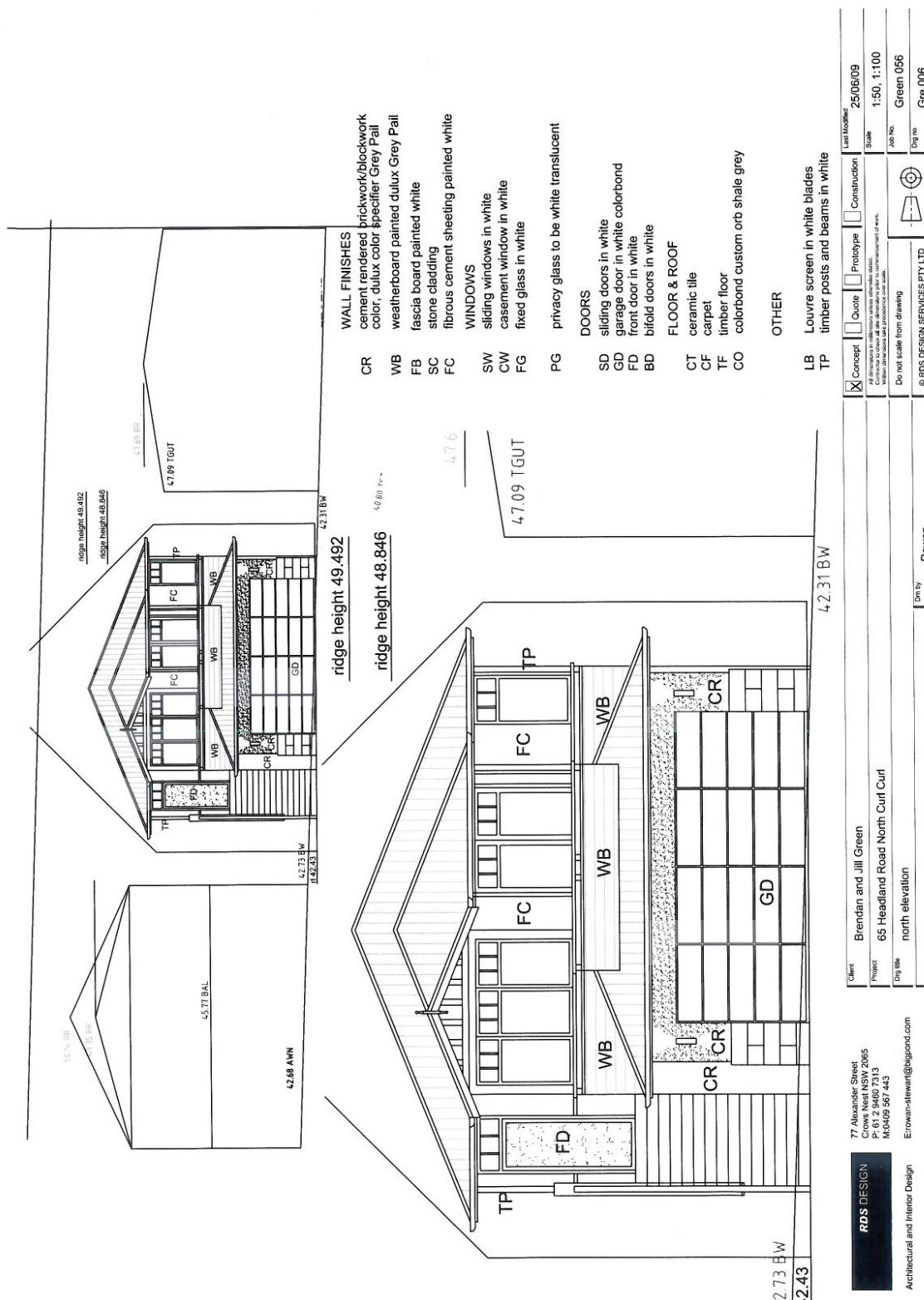
Site and Elevation Plans



Client	Brendan and Jill Green	Project	65 Headland Road North Curl Curl	Drawn by	Rowan	Scale	1:200	Job No.	Green 056	Drawn by	Gie 002
Project	site plan, site analysis, landscape, sedimentation and roof plan	Drawn by	Rowan	Scale	1:200	Job No.	Green 056	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl
Drawn by	Rowan	Scale	1:200	Job No.	Green 056	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002
Scale	1:200	Job No.	Green 056	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl
Job No.	Green 056	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002
Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl
Project	65 Headland Road North Curl Curl	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002	Project	65 Headland Road North Curl Curl	Drawn by	Gie 002

RDS DESIGN
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Curl Curl NSW 2065
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E rowan-stewart@bigpond.com
Architectural and Interior Design

Site and Elevation Plans



RDS DESIGN
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E: rowan-stewart@bigpond.com

Client: Brendan and Jill Green

Project: 65 Headland Road North Curl Curl

Site: north elevation

Drawn by: Rowan

Do not scale from drawing

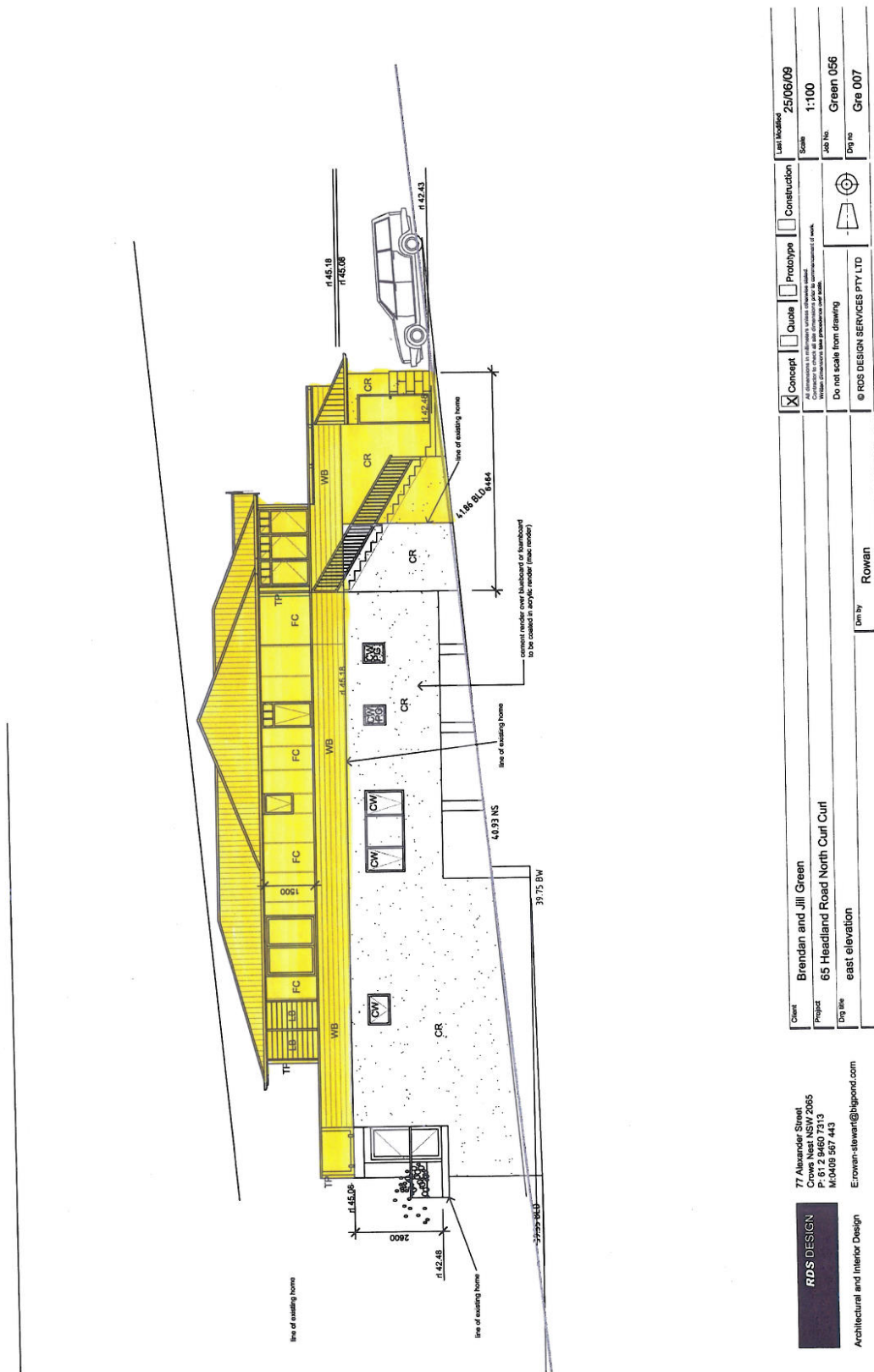
© RDS DESIGN SERVICES PTY LTD

Job No: Green 056

Drawn: Gre 006

Use: 25/06/09
Scale: 1:50, 1:100
Job No: Green 056
Drawn: Gre 006

Site and Elevation Plans



Site and Elevation Plans



DALJESH WARD & ASSOCIATES PTY LTD
ARCHITECTS
19 Salisbury Ave, One Why
NSW 2059
Ph: 02 9517 8100
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Dave Ward
Registered Architect No. 76172
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NOTES

All works to be completed in accordance with the requirements of the Building Code of Australia (BCA) and the relevant Australian Standards (AS). The design is based on the information provided by the client and is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities. The design is based on the information provided by the client and is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

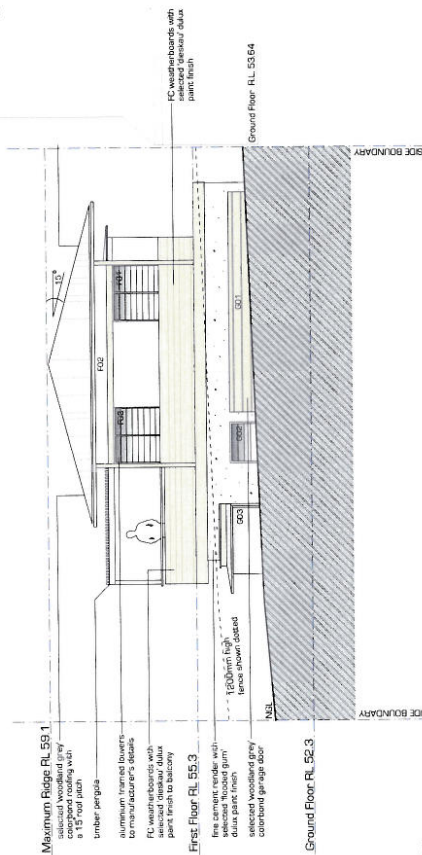
Project
19 Salisbury Ave, One Why
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West & East Elevations

Scale: 1:100 A3 Date: 15/06/09
Drawn: SDW Checked: DTW
Project No: 0815
Revision:
Drawing Number:

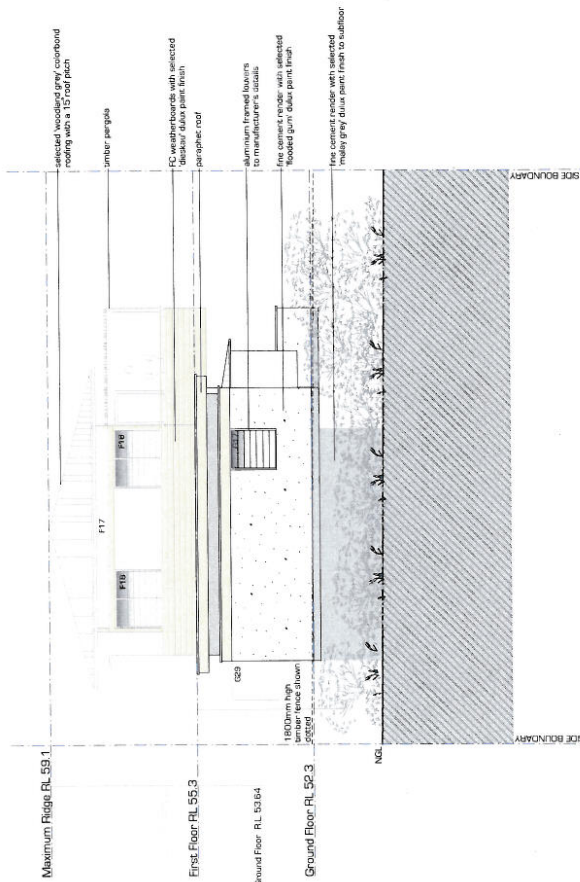
DA08

No. 17 Sally Avenue
Maximum Ridge
Height RL 61.12



West Elevation

No. 17 Sally Avenue
Maximum Ridge
Height RL 61.12



East Elevation

