

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 18 April 2013

2 Eric Street Freshwater - Alterations and additions to a dwelling house

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2012/1536
Responsible Officer	Phil Lane
Land to be developed (Address):	Lot 46 DP 9161 , 2 Eric Street FRESHWATER NSW 2096
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Elizabeth Anne Humphries Andrew James Humphries
Applicant:	Your Style Designer Home Additions
Application lodged:	20/12/2012
Application Type	Local
State Reporting Category	Residential - Alterations and additions
Notified:	14/01/2013 to 29/01/2013
Advertised	Not Advertised in accordance with A.7 of WDCP
Submissions	6
Estimated Cost of Works:	\$ 252,500

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
Warringah Local Environmental Plan 2011 - Part 4 Principal development standards
Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
Warringah Development Control Plan - B1 Wall Heights
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - R2 Side Boundary Envelope Exceptions
Warringah Development Control Plan - D7 Views
Warringah Development Control Plan - D8 Privacy
Warringah Development Control Plan - D9 Building Bulk

RECOMMENDATION

Approval

SITE DESCRIPTION

Property Description:	Lot 46 DP 9161 , 2 Eric Street FRESHWATER NSW 2096
Detailed Site Description:	The subject site consists of one (1) allotment located on the western side of Eric Street. The site is legally known as Lot 46 in DP 9161, No. 2 Eric Street, Freshwater. The site is regular in shape with a frontage of 10.06m along Eric Street and a depth of 40.235m. The site has a surveyed area of 405m². The site is located within the R2 Low Density Residential zone and accommodates a split level dwelling of single/double storey construction. Surrounding development consists of single/double storey dwellings with a four storey residential flat building located to the south of the subject site. The site has a slope from the rear western boundary to the front eastern boundary of approximately 6%.

Map:



SITE HISTORY

The site has been used as for residential land use for a number of years.

PROPOSED DEVELOPMENT IN DETAIL

The proposal includes the addition of an extra floor level to the existing dwelling which is currently a split single/double storey dwelling. The following changes are as follows:

- Entry garage level - new stairs and internal walls
- Ground floor level - new stairs, ensuite for master bedroom with new front deck and demolition of the existing bathroom, laundry and kitchen to be replaced by a new rumpus room (new window southern elevation for ensuite).
- First floor level - new kitchen, dining/lounge/library, study and bathroom with new stairs. Rear deck off study and two decks are proposed off the library at the front.
- The existing tiled roof will be replaced with a new colorbond roof sheeting.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Michelle Berry	63 Aubreen Street COLLAROY PLATEAU NSW 2097
Glenn Stephen Reeve	4 / 23 Soldiers Avenue FRESHWATER NSW 2096
Amanda Valletta	1 Glen Street FRESHWATER NSW 2096
Maureen Narelle Bell	8 / 23 Soldiers Avenue FRESHWATER NSW 2096
Jarrod Michael Seen	12 / 23 Soldiers Avenue FRESHWATER NSW 2096
Abate Fire Protection Services	PO Box 93 BROOKVALE NSW 2100

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

- Privacy
- Solar access
- Side boundary setbacks
- Building height
- Building bulk
- Engineering report
- Views
- Noise
- Property values and estimated cost of works

The matters raised within the submissions are addressed as follows:

- Privacy
Comment: Please refer to Clause D8 Privacy. The proposed development will be subject to conditions which include the deletion of the rear deck, privacy screen to the front deck on the first floor level and conditioning of the windows on the southern first floor elevation be either to highlight windows or comprise obscured glazing.

Given the above it is deemed that the proposal subject to conditions will comply with Clause D8 Privacy and address the concerns of adjoining residents.

- Solar access
Comment: Please refer to Clause D6 Access to sunlight. The adjoining residential flat building to the south (No. 23 - 25 Soldiers Avenue) would be the most affected by the proposed development. The overshadowing to the northern facade of the building will affect Units 4, 8 & 12. The bottom unit 4 will be the most affected during the winter solstice (June 21) but has been assessed as compliant with the control.

Given the above it is deemed that the proposal, subject to conditions, is deemed to comply with Clause D6 Access to sunlight and does not warrant further amendment or refusal of the application.

- Side boundary setbacks

Comment: The proposed alterations and additions are compliant with the minimum requirement of 0.9m from the side boundaries. The proposed setbacks for the southern elevation vary from 1.305m to 1.87m and the minimum setback to the northern boundary is 1.62m.

It is deemed that the proposed development satisfies the requirements of Clause B5 Side Boundary Setbacks and does not warrant refusal or amendment of the application.

- Building Height

Comment: Please refer to Part 4.3 Height of Buildings and Part 4.6 Exceptions to development standards. The proposed height which exceeds the height control by 350mm at the front and 300mm at the middle of the proposed roof has been assessed as satisfactory. It is deemed that the hip in the middle part of the roof will break up the proposed roof structure and add some visual interest.

Given the above it is deemed that the proposal is satisfactory subject to conditions and does not warrant refusal or amendment to the proposed height.

- Building Bulk

Comment: Please refer to Clause D9 Building Bulk. The proposed development is deemed to demonstrated generally consistency with surrounding buildings in relation to height, scale and building bulk. It is deemed that the proposal is satisfactory subject to specific conditions and does not warrant refusal of the application.

- Engineering Report

Comment: Concerns were raised in relation to structural support and additional weight added to the existing footings of the dwelling. The structural stability of the building is a matter that will need to be investigated by a suitably qualified engineer (structural engineer). The site is located in land slip Area A and therefore does not require geotechnical report. The issues raised will be fulfilled prior to the issue of the construction certificate and thus does not warrant refusal of the application.

- Views

Comment: Issues were raised in relation to views from Units 4, 8 & 12. The existing view from all units can be described as local district views and not of any iconic view that would warrant refusal or amendment of the application. See detailed view loss assessment under Clause D7 Views in this report.

In summary, It is concluded that the above issue does not warrant amendment or refusal of the proposed application and is considered to satisfy Clause D7 Views.

- Noise

Comment: The issues of crying children and unacceptable noises due to the proximity of the additions to the residential flat building at Nos. 23 - 25 Soldiers Avenue were raised. Noise associated with normal residential use are not grounds that warrant refusal of application. The area is zoned R2 Low Density Residential and the house will remain a single dwelling house in this zone. It is therefore considered that the issue of noise in this instance does not warrant refusal or additional conditions to the proposed application.

- Property values and estimate costs of works

Comment: Property values or possible devaluation of property values is not a consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The proposed estimated costs of works was submitted with the application (Cost Summary Report Greater than \$100000) with an estimate of \$252,500 for the proposed works.

It is deemed that the above issues do not warrant refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Natural Environment (Drainage Assets)	No objections and no conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A153761 and 19 December 2012).

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment: The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	8.85m	4.1%	No
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 4 Principal development standards	No
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
Part 5 Miscellaneous provisions	Yes
5.10 Heritage conservation	Yes
Part 6 Additional Local Provisions	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Part 4 Principal development standards

A variation has been requested by the applicant for the height of the building.

4.3 Height of buildings

Variation requested by the applicant.

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard and is assessed taking into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	8.85m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	4.1% (0.35m)

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment: The proposed development is consistent with the height and scale of surrounding and nearby development. The adjoining dwelling to the north of the site (No. 4 Eric Street) was recently approved with a height of 8.7m - DA2012/0591. Additionally, the residential flat building located to the south of the site (No. 23 - 25 Soldiers Avenue) is over 13 metres in height. Therefore it is deemed that the proposal is compatible with the height and scale of surrounding and nearby development.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment: The proposal is considered to be consistent with the housing stock within the immediate area and given the articulation of the proposed additions it is considered this will minimise the visual impact. A site inspection was undertaken on the adjoining property and it is considered that the views to the north are district views and not iconic views which would not be unreasonably affected by the breach in the height limit.

The proposed design, in particular the rear deck on the proposed first floor level, is considered to create privacy issues for the adjoining property to the west (No. 1 Glen Street). The deck is recommended to be deleted and the sliding door (W7) that leads on to the deck will also be deleted. A condition is also recommended for the sliding door to be replaced with a standard window allowing for natural light and ventilation to the room (study).

Issues in relation to the front deck off the library at the front will be minimised by a condition requiring a 1650mm high privacy screen to the southern elevation of the deck to ensure privacy is maintained for the adjoining property (No. 23 - 25 Soldiers Avenue). Additionally, the windows on the southern elevation for the proposed first floor level are to be conditioned with W9 (kitchen) and W11 (library) to be altered to highlight windows with a minimum sill height of 1650mm. W10 (stairs) will be conditioned to obscured glazing to ensure privacy for both the occupants of the subject site/dwelling and the adjoining property to the south (No. 23 - 25 Soldiers Avenue).

It is noted that the proposed development creates some additional overshadowing to the adjoining properties to the south, in particular No. 23 - 25 Soldiers Avenue. The shadow diagrams identify that the principal living areas within the lower units which are elevated at first floor level (approximately 3.5m above natural ground level) will be maintained to an acceptable level and comply with Clause D6 Access to sunlight.

Given the above it is deemed that the proposed development, subject to conditions, will comply with this objective.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment: Given the location of the site it is deemed that proposed development will have minimal impact on the scenic quality of Warringah's coastal and bush environments.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment: The proposal exhibits a stepped setback to the proposed upper floor when viewed from the street addressing the streetscape and giving visual relief. The development when considered in its immediate surroundings is compatible with the overall height of adjoining buildings and would not appear visually dominant.

Given the above, the proposed building will be compatible with the height, bulk and scale of residential buildings within the vicinity and will be of minimal visual impact when viewed from roads and public places.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

To provide for the housing needs of the community within a low density residential environment.

Comment: The proposed development provides for the housing needs of the community and is compatible with that of other land uses within the R2 Low Density Residential zone. It is considered that the development satisfies this objective.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment: The proposed development will continue to enable other land uses that provide facilities or services to meet the day to day needs of residents. It is considered that the development satisfies this objective.

To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

Comment: The proposal provides adequate landscaped settings that are in harmony with the natural environment of Warringah. The proposal is considered to be consistent with this objective of the zone. It is considered that the development satisfies this objective.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment: Given the existing built form of the current dwelling being of single/double storey construction it is deemed that the minor encroachment of the building height at the front and middle of the dwelling can be supported. In addition surrounding developments are generally of a height and scale which is consistent or larger than the proposed development. It is considered that the proposal is consistent with this objective.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment: Given the slope of the land and the height of the recently approved dwelling at No. 4 Eric Street (8.7m height), it is deemed that the minor height exceedence at the front of the building can be supported in this instance.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: A formal request from the architect was submitted within the Statement of Environmental Effects (SEE) in the form of a Clause 4.6 variation to the building height to justify the variation to this control.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment: The applicant has adequately addressed the matters.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment: The proposed development is considered consistent with the objectives of the building height standard and the R2 Low Density Residential zone, and is considered to be within the public interest.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed **OR** Planning Circular PS 08-003

dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the inconsistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard can not be assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.8m (southern)	8.33%	No
		7.9m (northern)	9.72%	No
B2 Number of storeys	N/A	N/A	N/A	N/A
B3 Side Boundary Envelope	5m @ 45 degrees	southern - 0.9m (max)	18%	No
		northern - 1.2m (max)	24%	No
B4 Site Coverage	N/A	N/A	N/A	N/A
B5 Side Boundary Setbacks	0.9m	1.305m (southern)	N/A	Yes
		1.62m (northern)	N/A	Yes
B7 Front Boundary Setbacks	6.5m	14.6m	N/A	Yes
B9 Rear Boundary Setbacks	6m	6.74m	N/A	Yes
B11 Foreshore Building Setback	N/A	N/A	N/A	N/A
B12 National Parks Setback	N/A	N/A	N/A	N/A
B13 Coastal Cliffs Setback	N/A	N/A	N/A	N/A
B14 Main Roads Setback	N/A	N/A	N/A	N/A
B15 Minimum Floor to Ceiling Height	N/A	N/A	N/A	N/A
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (162sqm)	30% (122sqm)	N/A	Unchanged

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - R2	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Rear Boundary Setbacks - R2	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	No	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment	Yes	Yes
E10 Landslip Risk	Yes	Yes
Part H Appendices	Yes	Yes
Appendix 1 Car Parking Requirements	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The wall height is exceeded on the southern elevation (at the eastern end) with a maximum encroachment of 0.9m for a distance of 3.9m until compliance is met. On the northern elevation a maximum encroachment of 0.7m (at the eastern end) for a distance of 6.5m until compliance is met is proposed.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment: The proposed development is consistent with the height and bulk of surrounding and nearby development. The adjoining dwelling to the north of the site (No. 4 Eric Street) was recently approved with a height of 8.7m - DA2012/0591. Additionally, the residential flat building located to the south of the site (No. 23 - 25 Soldiers Avenue) is over 13 metres in height.

The proposed first floor is well articulated with varying setbacks to the front, rear and side setbacks. The deletion of the rear deck will reduce the visual dominance to the adjoining property to the west (No. 1 Glen Street). Therefore it is deemed that the proposal is compatible with the height and bulk of surrounding and nearby development.

Given the above it is deemed that the proposal complies with this objective.

- *To ensure development is generally beneath the existing tree canopy level*

Comment: The proposed height of 8.85m exceeds the height requirement but would be considered to be generally beneath the existing tree canopy level of the native trees located within the road reserve and privately owned lands within the nearby vicinity.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment: The proposed development allows for reasonable views to and from public and private properties. It is deemed that the proposal complies with this objective.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment: The proposed first floor has being setback from all boundaries to allow for good articulation and good spatial separation to surrounding buildings. The rear first floor deck is to be deleted to ensure reasonable amenity to No. 1 Glen Street to the rear of the subject site. The front first floor deck is to be conditioned with a 1.65m high privacy screen to the southern

elevation. In addition the windows along the southern first floor elevation are to be altered to highlight windows and/or fitted with obscured glazing.

Given the above it is deemed that reasonable amenity will be maintained and compliance with this objective will be achieved.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment: The proposal responds sufficiently to the site topography with the use of low pitch roof and minimum floor to ceiling height within the proposed first floor level. In addition the first floor level is well articulated to allow for visual and spatial relief.

Given the above it is deemed that the proposal demonstrates compliance with this objective.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment: The proposed roof demonstrates an innovative roof pitch design and gives some visual interest to surrounding properties. It is deemed that the proposal complies this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The proposed development breaches the southern and northern side boundary envelopes. The breach of the southern envelope comprises a 0.9m non-compliance at the front eastern end of the first floor reducing to 0.5m for a distance of 2.5m. At this point the building steps out where the proposed internal stairs connect the ground floor with the proposed first floor. The breach increases to 1.1m at this point and continues along the first floor facade for distance of 2.35m where the breach reduces to 0.7m. At this point the building steps in and the breach reduces to 0.15m and compliance is met after a distance of 1.4m. A minor non-compliance at the rear of the building occurs which has a maximum encroachment of 0.3m for a distance of 3m where compliance is met finally at the western end of the southern elevation.

The breach on the northern elevation comprises a maximum non-compliance of 1.2m at the eastern end of the first floor, this breach continues for a distance of 8.7m where it reduces to 0.3m. Compliance is met at the western end of the northern facade as the first floor steps in where the study is located at the rear of the first floor.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment: The proposed development is consistent with the height and bulk of surrounding and

nearby development. The adjoining dwelling to the north of the site (No. 4 Eric Street) was recently approved with a height of 8.7m - (DA2012/0591). Additionally, the residential flat building located to the south of the site (No. 23 - 25 Soldiers Avenue) is over 13 metres in height.

The proposed first floor is well articulated with varying setbacks to the front, rear and side setbacks. The deletion of the rear deck will reduce the visual dominance to the adjoining property to the west (No. 1 Glen Street). Therefore it is deemed that the proposal is compatible with the height and bulk of surrounding and nearby development.

Given the above it is deemed that the proposal complies with this objective.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment: The proposed development demonstrates adequate spatial separation between buildings. It is noted that the proposed development had a rear deck at the first floor level which will be deleted. In addition, the southern elevation will be treated with the use of highlight and/or obscured glazing to the windows on the proposed first floor. The deck at the front off the library will be conditioned with a privacy screen to ensure that reasonable privacy is maintained to the adjoining residential flat building to the south (No. 23 - 25 Soldiers Avenue).

The proposed development will create some solar access loss to the adjoining residential flat building (No. 23 - 25 Soldiers Avenue) in particular to Unit 4 on the lower level of the building. An assessment has been undertaken in accordance to Clause D6 Access to sunlight and deemed that both the balconies and the glazing to the principal living area (living room) complies with the requirement set by the clause.

Given the above it is deemed that the proposal complies this objective.

- *To ensure that development responds to the topography of the site.*

Comment: The proposed development has attempted to respond to the topography of the site by stepping the proposed first floor footprint and use of low pitched roof designed. The additions are well articulated to the front, rear and side boundaries and therefore allow for relief to adjoining properties. It is noted that the proposed height exceeds the height requirement of 8.5m but given the slope of the land and the minor nature of the encroachment it is deemed acceptable.

Given the above it is deemed that the proposal complies this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

R2 Side Boundary Envelope Exceptions

Variation granted

D7 Views

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To allow for the reasonable sharing of views.*

Comment: The proposed development maintains reasonable view sharing.

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1: The views enjoyed from Units 4 and 8 at Nos. 23 - 25 Soldiers Avenue would be best described as short distance district views and therefore are not highly valued. Unit 12 at the top of the building will be unaffected by the proposed additions and therefore still maintain reasonable views to the north over the rear boundary. Additionally, Unit 12 enjoys views to the east and south-east which include ocean and headland views.

2. What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2: The affected view achieved from Units 4, 8 and 12 are currently over the rear northern boundary. Views from all units are achieved from the living room and bedroom from a standing position. It is noted that the view from Unit 12 will still be maintained from a sitting position from the living room and bedroom.

3. Extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".

Comment to Principle 3: Views from Unit 4 are to the north, north-east, east and south-east and to the north are currently largely obscured by the existing dwelling. As such the impact is assessed as negligible to minor.

Views from Unit 8 are to the north, north-east, east and south-east and the impact is assessed as minor given the development (which is under construction) at No.4 Eric Street already obscures this view to the north.

Views from Unit 12 will be unaffected and the view impact is assessed as negligible.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4: The proposed development has variations to a number of controls which include building height, side boundary envelope and wall height. The design is well articulated and uses varying setbacks and architectural features to add visual and spatial relief to surrounding buildings. It is noted that the views achieved from Unit 4 over the northern boundary would not be improved even from a compliant development.

The views from Unit 8 are currently obscured by the development at No. 4 Eric Street and it is assessed that a compliant building would only have minimal improvement on views which are best described as skyline and district views.

The views from Unit 12 are unaffected by the proposed development.

- *To encourage innovative design solutions to improve the urban environment.*

Comment: The proposed development demonstrates innovative design solutions with the use of stepped setbacks, varying roof forms and materials. The development will be consistent with surrounding houses within the vicinity and add value to the current urban environment.

- *To ensure existing canopy trees have priority over views.*

Comment: The existing canopy trees within the area will be maintained and unaffected by the proposed development. It is considered that the proposed meets this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of

WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment: The current site is located adjacent to seven (7) properties which are located to the south, west and the north. One of the properties is a residential flat building at No. 23 - 25 Soldiers Avenue located to the south. A number of submissions from this property were received in relation to the proposed development due the current design in relation to privacy.

A review of the proposed design demonstrates some issues to both parties given the proximity of the site and the window/balcony locations of units at No. 23 - 25 Soldiers Avenue. The balcony located at the rear of the first floor additions will be deleted and the balcony at the front (on the same level) will be conditioned with a 1650mm high privacy to the southern elevation for the full length of the balcony. In addition, the windows on the southern elevation will be conditioned to be fitted with highlight windows or obscured glazing to ensure reasonable amenity is maintained for both parties.

In addition the residence directly to the west at No. 1 Glen Street has raised issues in regards to privacy from the proposed rear balcony on the first floor level. The rear balcony will be deleted given the direct views into the rear yard of No. 1 Glen Street and replaced with a window which will ensure reasonable privacy levels are maintained and amenity for the proposed study in relation to sunlight and ventilation is acceptable.

Given the above it is deemed that the proposed development will comply with this objective.

- *To encourage innovative design solutions to improve the urban environment.*

Comment: The proposed development lacks some design solutions which would assist in improving the urban environment from a privacy prespective. As stated previously the specific conditions will ensure this outcome. The proposed additions are articulated with varying setbacks which break up the design of the building and allow for visual interest.

Given the above it is deemed that the proposed development will comply with this objective.

- *To provide personal and property security for occupants and visitors.*

Comment: The proposed development will allow for personal and property security for occupants and visitors to a sufficient level. It is deemed that the proposed development will comply with this objective.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9 Building Bulk

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment: The proposed alterations and additions to the existing dwelling demonstrates good articulation by using varying side, rear and front setbacks from the existing ground floor footprint. The use of varying setbacks, window locations, decks and roof profiles allows for visual interest. The proposed materials and finishes will ensure that the building will improve the urban environment and thus demonstrate compliance with this objective.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment: The proposed development is considered to minimise the visual impact by demonstrating good articulation, varying setbacks and roof profiles. The materials and finishes will additionally ensure that when viewed from adjoining properties and the public domain that the visual impact is deemed acceptable.

Given the above it is deemed that the proposed development is considered acceptable in this instance.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 252,500		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,399
Section 94A Planning and Administration	0.05%	\$ 126
Total	1%	\$ 2,525

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2012/1536 for Alterations and additions to a dwelling house on land at Lot 46 DP 9161, 2 Eric Street, FRESHWATER, subject to the

conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
3	19 December 2012	Your Style
4	19 December 2012	Your Style
5	19 December 2012	Your Style
6	19 December 2012	Your Style
7	19 December 2012	Your Style
8	19 December 2012	Your Style
9	19 December 2012	Your Style
10	19 December 2012	Your Style
11	19 December 2012	Your Style
18	19 December 2012	Your Style

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) 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.

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

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

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

(i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

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

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon

completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Policy Controls**

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 252,500		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,399
Section 94A Planning and Administration	0.05%	\$ 126
Total	1%	\$ 2,525

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

5. **Bonds**

(a) Security Bond

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

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

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

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

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

6. Compliance with Standards

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

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

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

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

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

7. External Finishes to Roof

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

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

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

8. Privacy Screen

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost southern edge of the deck located off the library as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance 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 / nearby property. (DACPLC06)

9. Sewer / Water Quickcheck

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

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

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

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

10. Rear Deck (First Floor Level)

The rear deck on the first floor level is to be deleted and replaced with a roof structure in keeping with the approved dwelling design.

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

Reason: Privacy and amenity to surrounding properties. (DACPLCPCC1)

11. Windows southern and western elevations (first floor)

The following windows are to be altered accordingly:

(a) W9 (kitchen) to be altered to a highlight window with a minimum sill height of 1650mm above the first floor level.

(b) W10 (stairs) to be fitted with obscured glazing.

(c) W11 (library) to be altered to a highlight window with a minimum sill height of 1650mm above the first floor level.

(d) W7 (study) to be altered to a standard window with a minimum sill height of 1000mm.

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

Reason: Privacy and amenity to surrounding properties.(DACPLCPCC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

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

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

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

13. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

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

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

14. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

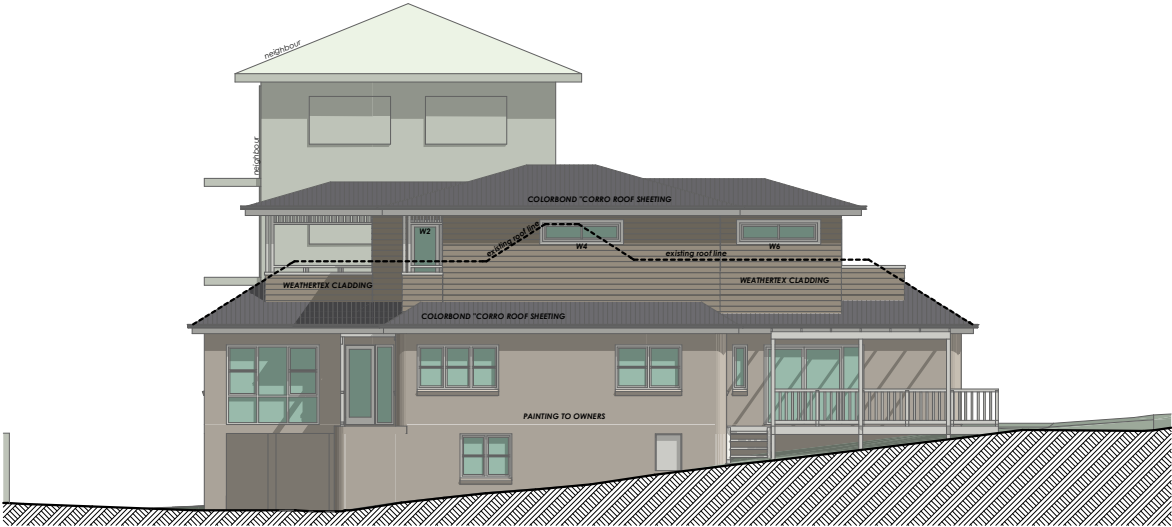
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

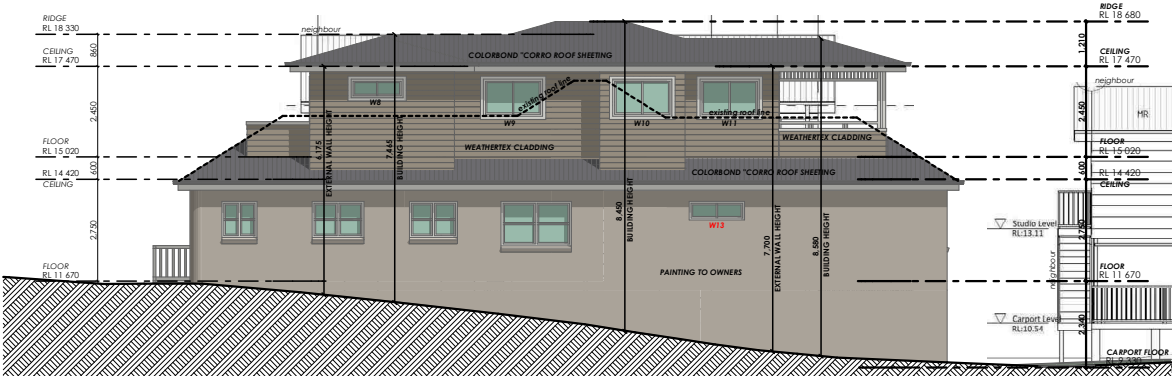
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Client No. :	HUM 1112 DA	Status :	DA STAGE	PO BOX 1183 • DEE WHY 2099 TEL : 9938 5611 FAX : 9938 5911 EMAIL : sales@yourstyle.com.au WEB : www.yourstyle.com.au		
Project Number:	HUM 1112 DA	Plot Date :	Wednesday, 19 December 2012			
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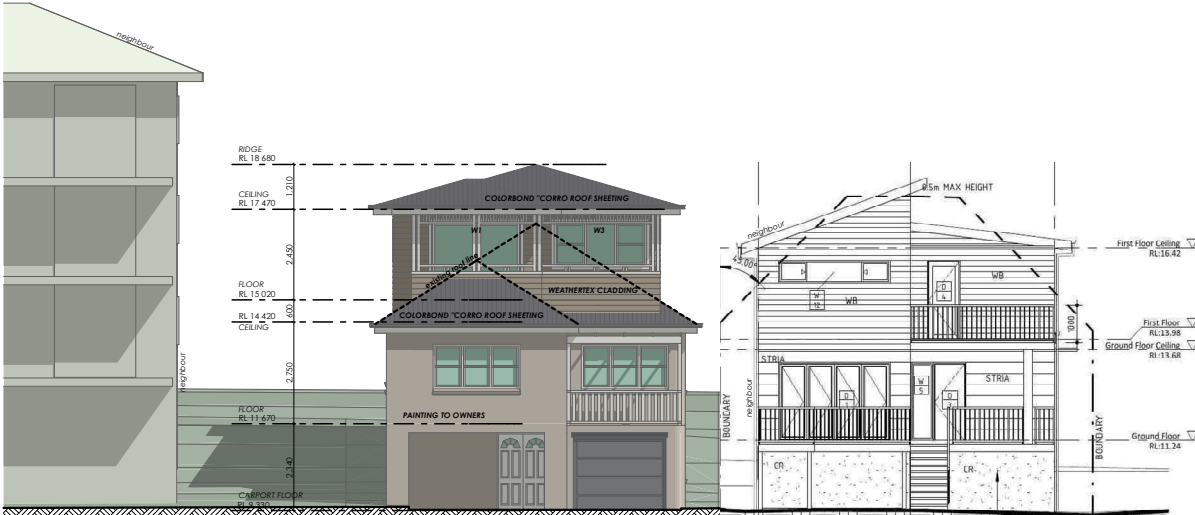
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1 NORTH ELEVATION



2 SOUTH ELEVATION



3 EAST ELEVATION



4 WEST ELEVATION