

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 06 June 2013

28 Rodborough Road Frenchs Forest - Alterations and additions to an existing commercial building

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2012/1513
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Responsible Officer	Kevin Short
Land to be developed (Address):	Lot CP SP 73205 , 28 Rodborough Road FRENCHS FOREST NSW 2086
Proposed Development:	Alterations and additions to an existing commercial building
Zoning:	LEP - Land zoned B7 Business Park
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	The Owners Sp 73205
Applicant:	Platino Properties

Application lodged:	17/12/2012
Application Type	Local
State Reporting Category	Commercial/Retail/Office
Notified:	08/01/2013 to 23/01/2013
Advertised	Not Advertised in accordance with A.7 of WDCP
Submissions	6

Estimated Cost of Works:	\$ 1,832,240
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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 Development Control Plan - B4 Site Coverage

Warringah Development Control Plan - Land in the vicinity of Warringah Road, Allambie Road and Wakehurst Parkway, Frenchs Forest with frontage to roads other than Warringah Road or Wakehurst Parkway

Warringah Development Control Plan - B10 Merit assessment of rear boundary setbacks

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D9 Building Bulk

Warringah Development Control Plan - D12 Glare and Reflection

Warringah Development Control Plan - E10 Landslip Risk

RECOMMENDATION

Deferred Commencement Approval

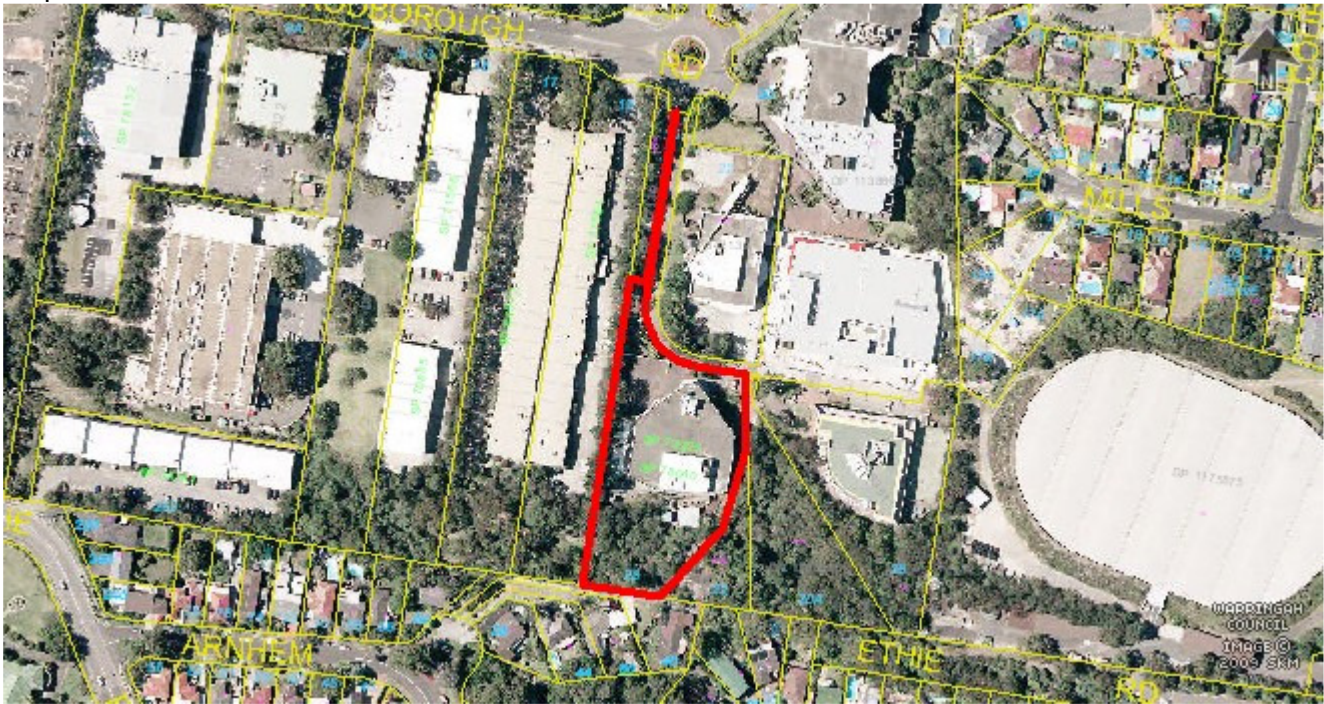
SITE DESCRIPTION

Property Description:	Lot CP SP 73205 , 28 Rodborough Road FRENCHS FOREST NSW 2086
Detailed Site Description:	The site is situated on the southern side of Rodborough Road and is battle-axe in shape with an area of 6,896sqm. The site is currently occupied by a three and four storey building used for offices, a medical centre and a childcare centre (including an outdoor play area) with two separate car parking areas comprising two (2) levels of carparking within the building footprint and a detached open air car parking area within the rear southern portion of the site. These car parking areas accommodate a total of 166 spaces. Vehicular access to the site is via an access handle from Rodborough Road. The surrounding land uses to the north, north-east and north-west of the site incorporate a range of office, commercial, industrial, warehousing and other business park related uses. Residential development, comprising of one and two storey dwelling houses, are located to the south, south-east and south-west of the site on Arnhem Road and Wyaram Street. The closest residential dwelling is located approximately 60m and 19m, respectively, from the southern elevation of

the existing building and carparking area.

Landscaped open space areas on site are characterised by areas of medium to large sized canopy trees and understorey species and formal garden areas within all setback areas of the site. The subject site is zoned B7 Business Park and Land Slip Risk Map - Area B.

Map:



SITE HISTORY

Recent Development Applications

A search of Council records did not provide any evidence in relation to when the original building was approved or constructed.

DA2010/0924 - Alterations and additions to a commercial building

DA2010/0924 involved the construction of an open air car park containing twenty-two (22) carparking spaces within the southern portion of the site, which would increase the number of existing carparking spaces on-site by 22 spaces, from 144 to 166.

The development application was refused on 21 October 2010 by the Application Determination Panel for the following reasons;

- Inconsistent with Clause 58 – Protection of existing flora and Clause 76 – Management of stormwater of WLEP 2000
- Insufficient information submitted with the application in relation to flora and fauna and on-site stormwater detention

REV 2011/0002 - Review of Determination

Having regard to the refusal issues listed above, a flora and fauna impact assessment report and

stormwater report with associated on-site detention plans were submitted as part of the revised application. The revised application was approved by the Application Determination Panel on 7 April 2011.

A site inspection revealed that these works have been completed.

PROPOSED DEVELOPMENT IN DETAIL

The application involves the construction of an additional level of office space (5th floor) above the existing building and an additional level of carparking above the existing open air car parking area. Specifically, the proposal comprises the following works:

- 1238m² of additional floor space, including external balcony areas, to be used for office premises above the existing 4th floor level
- a lift over run, service room and fire stairwell to service the new office floor level
- a new roof plant room at roof level, effectively creating a 6th floor level.
- provision of 23 additional car parking spaces above the existing open air car parking area located within the southern portion of the site
- a 1.8m high metal privacy screen located off the southern elevation of the carpark

Having regard to the above, the resultant building will be Part 5 and 6 storeys in height.

The hours of operation for the proposed office level are as follows:

- Monday to Saturday - 7am to 10pm
- closed Sundays and public holidays

External materials and finishes include aluminium framed powder coated windows, metal roofing and concrete external walls.

The proposal will increase the number of existing carparking spaces on-site by 23 spaces, from 166 to 189 spaces. These car parking spaces are a mixture of both general and allocated parking spaces.

No landscaping works are proposed.

Further Documentation Received

Two letters were sent to the applicant on 22 January 2013 and 27 February 2013, respectively, requesting that the application be withdrawn. In summary, the concerns raised in the letters were as follows:

- An On-Site Stormwater Detention (OSD) system was not submitted with the application for the new floor level over the existing office building
- Council's Traffic Engineer could not support the application as it would result in unacceptable traffic impacts on the local and surrounding traffic network.

In response to the concerns raised to the development, discussions were held between Council and the Applicant and the following was resolved:

- suitable conditions of consent, including a deferred commencement condition, for an OSD

- system to be provided
- on 10 April 2013 a traffic and parking assessment report was submitted to Council and referred to Council's Traffic Engineer for assessment where it was concluded that the amount of traffic impacts were not significant enough to warrant the refusal of the application.

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 (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 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000. Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. In summary, two letters were sent to the applicant on 22 January 2013 and 27 February 2013, respectively, requesting that the application be withdrawn as insufficient information was provided with the application to enable a complete and proper assessment of stormwater disposal and traffic impacts that the development may generate.

Section 79C 'Matters for Consideration'	Comments
	Discussions were held between Council and the Applicant in relation to these concerns and the following was resolved between parties: • suitable conditions of consent, including a deferred commencement condition, for an OSD system to be provided • a traffic and parking assessment report was submitted for Council's Traffic Engineer to review where it was concluded that the amount of traffic impacts were not significant enough to warrant the refusal of the application. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. These matters have been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). 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 Clause is not relevant to this application. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.
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 in detail under the Warringah Development Control Plan section in this report. In summary, the impacts of the proposed development are as follows: • adverse traffic impacts • additional noise impacts generated from the use of the car park and new office floor level • adverse neighbour amenity impacts, including privacy and visual impacts on adjoining residential development in Arnhem Road and Wyarama Street • building bulk. The impacts generated by the proposed development were considered satisfactory for the following reasons:

Section 79C 'Matters for Consideration'	Comments
	- the amount of traffic generated by the proposed development is not significant enough to warrant the refusal of the application - the use of the car park and new office floor level is not expected to generate unacceptable noise levels - privacy and visual outlook impacts are prevented by adequate spatial separation and landscape screening - the overall bulk and scale of the building is considered to be reasonable and compatible with adjoining and surrounding development (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	The additional level of office floor space and carparking will provide an integral and ancillary component for the established commercial development, respectively, and in doing so, will maintain the architectural quality and functionality of the existing building. Additionally, the proposed development will not impact on the remnant bushland located at the rear southern setback and has been assessed as having an acceptable impact on adjoining and surrounding properties, including the adjoining residential development in Arnhem Road and Wyarama Street. On this basis, the advantages of the proposed development outweigh the disadvantages and as such the proposed development will have an overall public advantage. Therefore, on balance, the proposal is 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:
Leonard James Sutton Pamela Margaret Sutton	62 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Brian Colin Greenfield Patricia Mary Anne Greenfield	60 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Carole Ann Brown	56 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Neville Raymond Marks	8 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Phillip Thomas Yeomans	228 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Russell James Rodgers Gabriela Rodgers	58 Arnhem Road ALLAMBIE HEIGHTS NSW 2100

Adverse traffic and parking impacts

The issues raised in the submissions are addressed as follows:

- **Adverse traffic and parking impacts**
- **Noise**
- **Impact on bushland buffer zone**
- **Privacy and visual Impact**
- **Adverse neighbour amenity impacts**
- **Loss of property values**

(a) Adverse traffic and parking impacts

The submissions raise concern that the development does not provide adequate on-site car parking and that the development will result in local traffic congestion and exacerbated pedestrian safety issues, particularly at the intersections of Warringah, Rodborough and Allambie Roads.

Comment: These matters have been addressed in detail elsewhere in this report under the section on WDCP Clause - C2 Traffic, Access and Safety and C3 - Parking Facilities. The assessment has found that the proposed provision of on-site car parking is compliant with the requirements of WDCP Clauses - C2 Traffic, Access and Safety and C3 Parking Facilities, as the number of carparking spaces on-site will increase by 23 spaces, from 166 to 189 spaces which complies with the carparking requirements of WDCP for this use.

Further, Council's Traffic Engineer has also reviewed the proposal and notes that the amount of traffic generated by the proposed development is not significant enough to warrant the refusal of the application.

Based on the above, the concerns relating to adverse traffic and parking impacts do not warrant the refusal of the application.

(b) Noise

The concern is that the use of the carpark will generate adverse acoustic impacts on the occupants of the adjoining dwelling houses situated in Arnhem Road located adjacent to the southern boundary of the site. Additionally, adverse noise impacts are also generated on these properties from skate boarders who also use the car park area.

Comment: The use of the carpark is not expected to generate an unreasonable level of noise or air pollution for the adjoining residential development to the south given the 9.0m wide landscaped rear setback of the carpark to the southern boundary and the residential properties in Arnhem Road. In addition, the 1.8m high metal privacy screen will further assist in reducing any noise generated from the use of the open air carpark.

The issue of skate boarders using the car park is a civil matter between relevant property owners.

Based on the above, the concerns relating to air and noise pollution from the use of the proposed new carpark level do not warrant the re-design or refusal of the application.

(c) Impact on bushland buffer zone

The concern is that the proposal will cause further adverse impacts on the existing and protected bushland located within the rear southern portion of the site, which has already experienced loss of flora and fauna and an invasion of weeds.

Comment: The bushland is not protected, but rather, defined as a wildlife corridor under WLEP 2011. The proposed development does not seek to remove or clear any of this bushland. Additionally, the application was referred to Council's Landscape and Natural Environment Officers and no concerns were raised to the proposed development, subject to conditions, as it would be unlikely to cause any significant impact on any threatened, endangered or ecological communities within the wildlife corridor.

In relation to the invasion of weeds located within the bushland buffer, the previous development consent (DA2010/0924) contained conditions requiring a bushland management plan to be implemented for the entire site to manage weed infestation.

Based on the above, the concerns relating to adverse impacts on the impact on bushland buffer zone do not warrant the re-design or refusal of the application.

(d) Adverse neighbour amenity impacts

Comment: The concern is that the proposed development and its hours of operation will generate adverse neighbour impacts on the residential properties located in Arnhem Road, including overlooking, visual outlook impacts and overshadowing.

Adequate spatial separation and landscaping has been provided between the proposed carpark and adjoining residential development to the south in Arnhem Road in the form of a minimum 9.0m and 50m landscaped rear southern setback to the car park and building, respectively. In addition, the amount of spatial separation from the building to the adjoining residential properties is sufficient enough to prevent close and direct overlooking, visual outlook impacts and overshadowing.

Further, the proposed development has been found to comply with all relevant built form controls under WDCP, including:

- B4 Site Coverage
- B7 Front Boundary Setbacks
- D6 Access to Sunlight
- D8 Privacy
- D9 Building Bulk

The proposed hours of operation for the new office level are 7am to 10pm, Monday to Saturday, and closed Sundays and public holidays. Given the proposed new floor level is for office uses, it is not expected to generate an unreasonable level of noise on the adjoining residential properties in Arnhem Road.

Based on the above, the concerns relating to adverse neighbour amenity impacts do not carry determining weight or warrant the re-design or refusal of the application.

(e) Property Values

The concern is that the loss of bushland within the rear southern portion of the subject site will set a precedent for other developers to carry out other development and result in a loss of "property values" for adjoining residential properties.

Comment: The subject application is required to be assessed against the relevant matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, which includes the relevant provisions of WLEP 2011. On this basis, the concerns relating to property values and the proposed development setting a precedent are not relevant matters to be considered under Section 79C of the Environmental Planning and Assessment Act, 1979.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application was referred to the Council's Building Assessment Officer for comment and no concerns were raised to the proposed development subject to fire safety conditions which have been included in the consent.
Development Engineers	The application was referred to Council's Development Engineer and concern was raised that an on-site detention system plan was not submitted with the application. In order to resolve this situation, Council Engineer's provided conditions of consent, including a deferred commencement condition, for the provision of an OSD system design.
Landscape Officer	The application was referred to the Council's Landscape Officer for comment and no concerns were raised to the proposed development subject to conditions which have been included in the consent.
Natural Environment (Biodiversity)	The application was referred to the Council's Natural Environment Officer - Biodiversity and no concerns were raised to the proposed development.
Natural Environment (Drainage Assets)	The application was referred to the Council's Natural Environment Officer - Drainage Assets and no concerns were raised to the proposed development.
Traffic Engineer	The application was referred to Council's Traffic Engineer for comment and concern was raised in relation to amount of traffic generated by the proposal given that the existing intersection at Rodborough Road

Internal Referral Body	Comments
	and Allambie Road is already operating beyond peak hour capacity. In summary, the applicant submitted a traffic and parking assessment report in response to these concerns which was subsequently referred to Council's Traffic Engineer for comment. Council's Traffic Engineer assessed the application, including the traffic and parking assessment report, and has provided the following comments: - the existing intersection at Rodborough Road and Allambie Road is already operating beyond peak hour capacity - the amount of traffic generated, being an additional 25 vehicle movements, will provide a small increase in the congestion, delays and queues at this intersection. Based on the above, the resultant impact on the existing intersection does not provide enough grounds to refuse the application solely on traffic generation grounds. No other concerns are raised to the proposed development by Council's Traffic Engineer.

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.
Aboriginal Heritage	The application was referred to the Aboriginal Heritage Office for comment and no concerns were raised to the proposed development subject to conditions which have been included in the consent.

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 office and business 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 proposed land use.

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 will not impact on any Ausgrid electrical infrastructure.

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	Complies
Height of Buildings:	N/A	part 5 and 6 storey building	N/A

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B4 Site Coverage	33%	53.3% (3674m ²)	no

B7 Front Boundary Setbacks (Land in the vicinity of Warringah Road)	10.0m	northern elevation carpark area: 115m (existing and unchanged) building: 125m (existing and unchanged)	yes yes
B10 Rear Boundary Setbacks	merit assessment	southern elevation building: 50.0m (existing and unchanged) carpark: 9.5m (existing and unchanged)	yes yes
D1 Landscaped Open Space (LOS) and Bushland Setting	33.3%	37.3% (2575m ²) - existing and unchanged	yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B4 Site Coverage	No	Yes
Land in the vicinity of Warringah Road, Allambie Road and Wakehurst Parkway, Frenchs Forest with frontage to roads other than Warringah Road or Wakehurst Parkway	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	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
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B4 Site Coverage

Description of non-compliance

The proposal involves the construction of a new level of carparking above the existing open air car parking area, which is detached from the existing building footprint. Under the control, it is noted that '*carparking which is not located within the building footprint may be excluded from the site coverage calculations*'. However, in this case, the addition of a new car parking level above the existing car parking area will effectively create a building. On this basis, the car parking 'building' will be calculated as site coverage.

Based on the above, the proposal will result in the existing amount of site coverage by 591m² (8.6%), from 44.7% (3083m²) to 53.3% (3674m²) which does not comply with the minimum 33% site coverage requirement.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The proposed development will not result in the removal of any deep soil landscape areas.

- *To ensure that development does not become visually dominant.*

Comment:

The non-compliance relates to an additional car parking level that will be located above the existing open air car parking area. On this basis, the built form will remain partly open and of minimal bulk and scale. Additionally, the carpark 'building' is effectively isolated on the lower portion of the site and cannot be viewed from adjoining roads, including Arnhem Road and Wyarama Street. Further, the southern elevation of the carpark is located approximately 19m from the closest adjoining residential dwelling and will be sufficiently screened by intervening vegetation.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The non-compliance relates to an additional car parking level that will be located above the existing open air car parking area. As such, the scale and bulk of the 'built form' will be satisfactory.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The southern elevation of the carpark is located approximately 19m from the closest adjoining residential dwelling and will be sufficiently screened by intervening vegetation and a 1.8m high metal privacy screen.

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

Comment:

The area of non-compliance will not generate view loss on adjoining and surrounding properties, including residential development in including Arnhem Road and Wyarama Street.

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.

Land in the vicinity of Warringah Road, Allambie Road and Wakehurst Parkway, Frenchs Forest with frontage to roads other than Warringah Road or Wakehurst Parkway

The existing front setback to the front northern elevation of the existing carpark area and building is calculated at 115m. This front setback will remain unchanged as a result of the development. On this basis, the proposed development complies with the minimum 10.0m front boundary setback requirement of the control.

B10 Merit assessment of rear boundary setbacks

The proposal comprises the construction of an additional level of office space (5th floor) above the existing building and an additional level of carparking above the existing open air car parking area. As such, the existing rear setbacks to the building and car park, being 9.0m and 50m respectively, will be maintained. Additionally, the existing landscaped open space area within the rear setback will be maintained.

Having regard to the above, adequate spatial separation and landscaping has been provided between the building and carpark area and adjoining residential development to the south in Arnhem Road and Wyarama Street to prevent adverse amenity amenities between properties, including close and direct overlooking, visual outlook impacts and overshadowing.

Based on the above, the proposal satisfies the objectives of the control.

C2 Traffic, Access and Safety

The development will result in a two storey open carpark structure within the rear setback area which is sufficiently screened by vegetation so that it cannot be readily viewed from the street or other public spaces. Vehicular access to this carparking area will be provided through the existing two level car parking area which is accessed from Rodborough Road.

Pedestrian and vehicular access provided to the building is separately defined and will maintain pedestrian safety by reducing conflict between pedestrian and vehicle access.

C3 Parking Facilities

Approval was previously granted under Development Application DA2010/0924 for a total of 166 car parking spaces. In this assessment, it was calculated that 142 car spaces were required for the existing land uses on site, and therefore, there would be an excess of 24 car spaces as a result of that development.

This proposal seeks to provide a 5th floor level for office uses, being 1238m² in area, as well as a new second level of car parking for 23 car parking spaces. On this basis, an additional 31 spaces would be required under the car parking requirements of WLEP 2011 as the office rate of 1 space per 40m².

Based on the above, a total of 173 car parking spaces is required for this development.

The development will provide an additional 23 carparking spaces which will increase the number of carparking spaces from 166 to 189. Thus, the proposal will result in the number of car parking spaces further exceeding the minimum requirements of the C3 Parking Facilities control by 16 carparking spaces. Accordingly, the proposal is satisfactory in relation to the provision of parking.

D3 Noise

The use of the new office and car park floor levels are not expected to generate an unacceptable level of noise emission which would diminish the amenity of the locality, including the occupants of the adjoining residential development to the south in Arnhem Road and Wyarama Street. In addition, the 9.0m retained bushland setback to the rear boundary and the proposed 1.8m high metal fence located adjacent to the southern elevation of the new car parking level, will assist to minimise any noise generated from the carpark to adjoining sites, including the adjoining residential properties to the south.

It should also be noted that any noise generated from the use of the building or car park must comply with the requirements of the NSW Industrial Noise Policy.

Subject to the above, the proposal satisfies the requirements of the control.

D9 Building Bulk

The existing commercial building is five storeys in height comprising office space on the fourth level and plant and motor rooms on the fifth floor above. The plant and motor rooms are physically separated structures and are located within the southern and northern portion of the floor level, respectively.

In summary, the new level of office space will be provided around the existing plant and motor rooms on the existing fifth level. The new plant and motor rooms are to be constructed above the existing

structures, effectively creating a new sixth level which will be partly enclosed by the proposed low pitch roof form.

The new floor levels will provide visual interest to the existing building and complement the architectural scale of the overall building. Specifically, the mass and bulk of the building has been minimised through building design techniques, which include the following:

- a variety of external materials and finishes comprising large expanses of aluminium framed dark toned glass windows and doors and light toned external rendered brick walls
- stepped in floor levels
- a low pitch metal roof to assist to enclose the new motor, plant and lift over run rooms
- use of broken and curved wall planes and open balcony structures, particularly on the new fifth floor level

The bulk and scale of the resultant building is compatible with that of adjoining and surrounding commercial and light industrial type of development in Rodborough Road which is characterised by buildings with varying heights from 2 to 8 storeys.

However, this scale of development is not consistent with adjoining residential development located adjacent to the southern boundary in Arnhem Road and Wyarama Street. Site inspections revealed that the upper levels of the southern elevation of the existing building are the most visually prominent sections of the building that can be viewed from the residential properties in Arnhem Road and Wyarama Street.

In this regard, the impact of the proposed development on the visual outlook of the adjoining properties is required to be assessed.

In summary, the resultant built form has been assessed as having an acceptable visual impact when viewed from the adjoining residential properties to the south for the following reasons:

- the proposed office floor space on level five, being the existing roof level, is located adjacent to far eastern and western end of the existing plant room
- the new plant, motor and lift over run structures and the upper most portion of the roof are the only new structures that will have a greater height than the existing building
- the new plant, motor and lift over run structures are confined to the middle portion of the southern elevation and incorporated into the design of the low pitch roof
- the mass and bulk of the elevation is minimised by a variety of materials and treatments (as described in detail above)
- adequate spatial separation of 60m will be maintained to the closest residential dwelling
- existing vegetation within the rear boundary setback will assist to visually screen the lower levels of the building.

With respect to the carpark, it is a partly open structure comprising building elements which have minimal bulk associated with them. It is located approximately 19.0m from the closest adjoining residential dwelling and will continue to be well screened by intervening vegetation.

Having regard to the above, the additional floor levels complement the scale of the existing building and provide good design for visual interest which has sufficiently minimised the visual bulk of the built form. Adequate spatial separation and landscaping is provided between the building and carpark building area and adjoining residential development which will minimise the visual impact of development when viewed from those properties.

D12 Glare and Reflection

A 1.8m metal privacy screen is to be constructed along the southern elevation of the proposed car parking area to prevent the spilling of car headlights into adjoining and surrounding residential development on Arnhem Road and Wyarama Street. The privacy screen and two storey car parking building will be visually screened to adjoining residential properties by existing vegetation located within the 9.0m rear setback area.

E10 Landslip Risk

The site is identified on Council's Land Slip Risk Map as Area B. However, a geotechnical report did not accompany the application. Notwithstanding, a condition has been imposed on the consent for a geotechnical report and certificate to be obtained prior to issue of the construction certificate to ensure the site is capable of withstanding the proposed development.

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 \$ 1,832,240		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 17,406
Section 94A Planning and Administration	0.05%	\$ 916
Total	1%	\$ 18,322

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:

- Consistent 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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2012/1513 for Alterations and additions to an existing commercial building on land at Lot CP SP 73205, 28 Rodborough Road, FRENCHS FOREST, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. On-site Stormwater Detention Design

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" are to be submitted to Council for written approval in order to activate the consent. Stormwater must be conveyed by gravity to the existing stormwater drainage easement that benefits the site. The site area for the design is to be equivalent to the proposed roof area of the building extension.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance

with Section 95 of the Environmental Planning and Assessment Regulation 2000.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CC.2 (Issue A)	25.7.2012	Revay and Unn Architects
CC.3 (Issue A)	25.7.2012	Revay and Unn Architects
CC.4 (Issue A)	25.7.2012	Revay and Unn Architects
CC.7 (Issue A)	25.7.2012	Revay and Unn Architects
CC.8 (Issue A)	25.7.2012	Revay and Unn Architects
CC.9 (Issue A)	25.7.2012	Revay and Unn Architects
CC.10 (Issue A)	25.7.2012	Revay and Unn Architects
CC.11 (Issue A)	25.7.2012	Revay and Unn Architects
CC.12 (Issue A)	25.7.2012	Revay and Unn Architects
CC.13 (Issue A)	25.7.2012	Revay and Unn Architects
CC.14 (Issue A)	25.7.2012	Revay and Unn Architects
Reports / Documentation – All recommendations and requirements contained within:		
Email	Dated	Prepared By
Email from Aboriginal Heritage Office	15 January 2013	Aboriginal Heritage Office

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

3. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Aboriginal Heritage Office	Email response Aboriginal Heritage Office	15 January 2013

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

4. **Occupancy**

Nothing in this consent shall authorise the use of the new floor level, as detailed on the approved plans, for any land use of the site beyond the definition of office premises.

Office premises is defined as:

'means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.'

Note. Office premises are a type of commercial premises—see the definition of that term in this Dictionary.'

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

5. **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)

6. **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

7. **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 \$ 1,832,240		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 17,406
Section 94A Planning and Administration	0.05%	\$ 916
Total	1%	\$ 18,322

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.

8. **Bonds**

(a) Security Bond

A bond (determined from cost of works) of \$10,000 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.

(b) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$5,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(c) Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

A bond of \$10,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the 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 Councils infrastructure. (DACENZ01)

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

9. **On-site Stormwater Detention Compliance Certification**

Drainage plans are to be provided detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and generally in accordance with the drainage plans submitted in order to activate the development consent.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

10. **Trees and / or Landscaping**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

Existing trees which must be retained

All trees not listed as exempt or noxious in Warringah

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

11. **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**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**

(m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*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)

12. **Geo-Technical Report**

A Geo-Technical Report and certificate shall be prepared by an appropriately qualified Geo-technical Engineer certifying that the existing rock formations and substrate on the site are capable of withstanding:

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

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

Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process. (DACPLC14)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

14. **Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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

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

Reason: Protection of Trees. (DACLAEO3)

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

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

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

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

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

16. Registration of Encumbrances for On-site Stormwater Detention

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

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

Reason: To identify encumbrances on land. (DACENF02)

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

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

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

18. 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)

19. **On-Site Stormwater Detention Compliance Certification**

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

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

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

20. **Positive Covenant for On-site Stormwater Detention**

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

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

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

21. **Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the “Department of Lands”.

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

Reason: To identify encumbrances on land. (DACENF14)

22. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently

displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

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

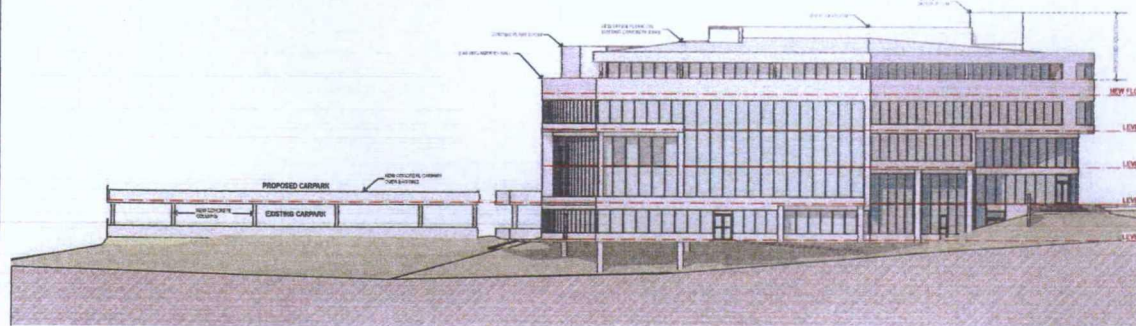
Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

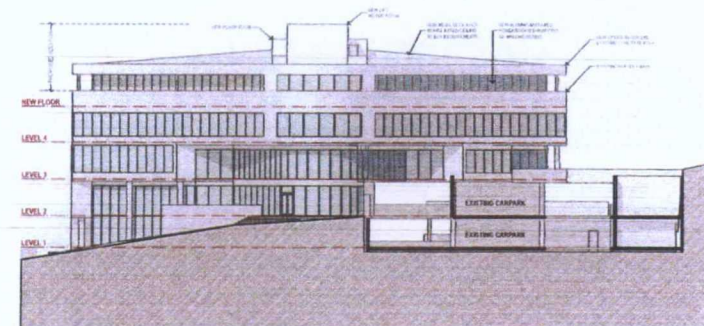
23. No Illumination - Carpark

No consent is given or implied for any form of illumination or floodlighting to the carpark or other external areas other than that approved.

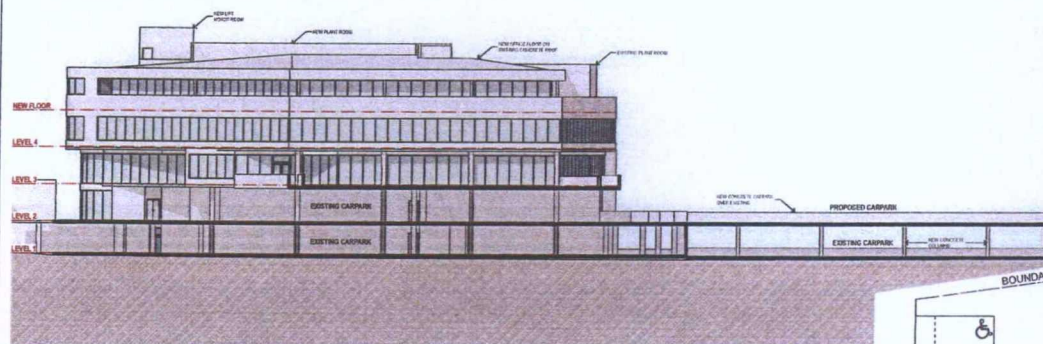
Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG04)



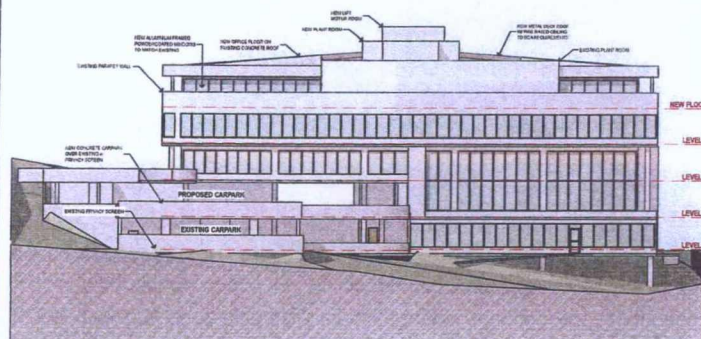
EAST ELEVATION



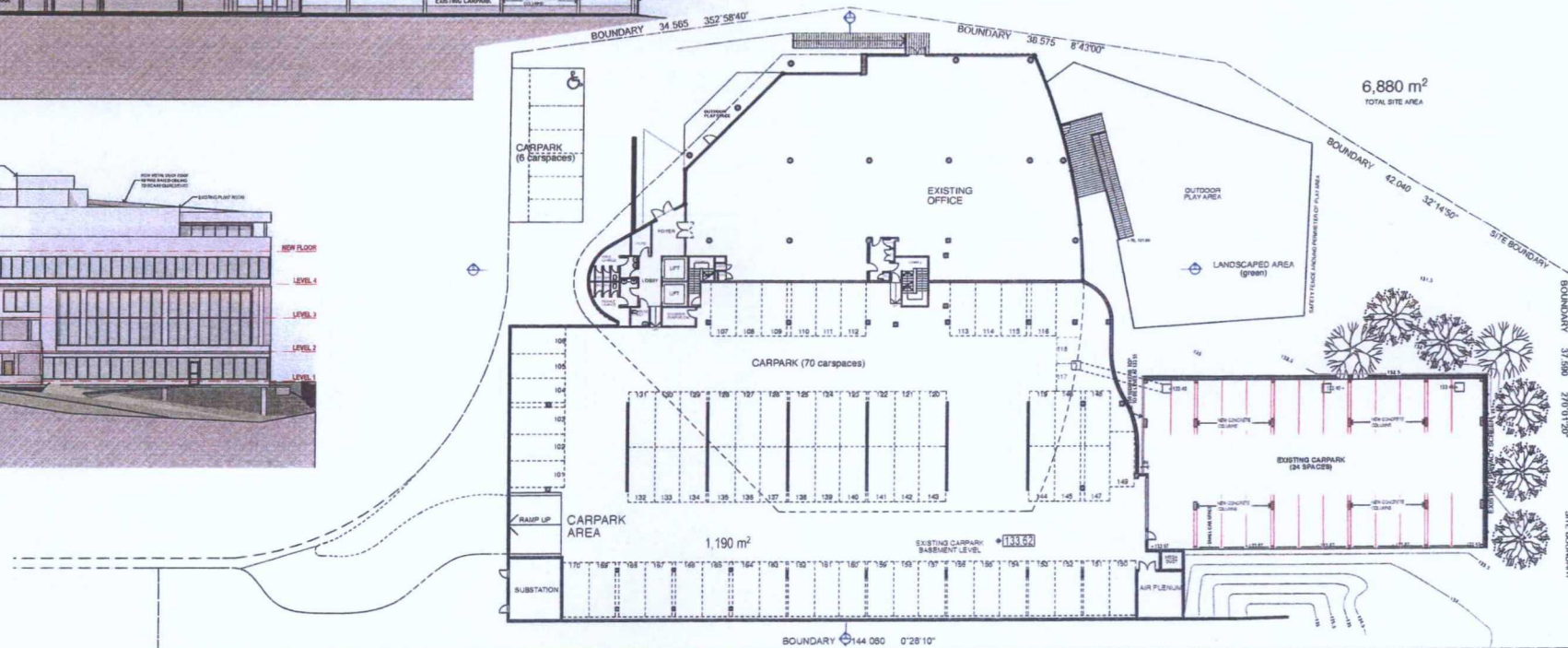
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



Noted/Drawn/Date: 1/04/09/ROD/ROD/02/09 On Road/ROD/02/09/02/09



ISSUE	REVISIONS	DATE
A	TO COUNCIL FOR DA	25.07.12
ISSUE	REVISIONS	DATE

PROJECT
ALTERATIONS & ADDITIONS TO
EXISTING OFFICE BUILDING AT
28 ROXBOROUGH ROAD
FRENCHS FOREST
Lot 32, DP, 792633

NOTIFICATION PLAN

SCALE
AS SHOWN
ARCHITECTS: REY & UNN
LEVEL 2, 20 YOUNG ST, NEUTRAL BAY
NSW 2089 TEL: 8968 1900 FAX: 8968 1999

PROJECT / ARCHFILE NO.
NUMBER OF PAGES
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