

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 18 July 2013

5 Angophora Crescent Forestville - Demolition works and subdivision of land

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2013/0397
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 2584 DP 752038 , 5 Angophora Crescent FORESTVILLE NSW 2087
Proposed Development:	Demolition works and subdivision of land
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:	Paul William Ciantar Alice Sammut
Applicant:	Alice Sammut

Application lodged:	04/04/2013
Application Type:	Integrated
State Reporting Category:	Subdivision only
Notified:	26/04/2013 to 14/05/2013
Advertised:	27/04/2013
Submissions:	6

Estimated Cost of Works:	\$ 265,000
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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 - B3 Side Boundary Envelope

Warringah Development Control Plan - B5 Side Boundary Setbacks

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - C1 Subdivision

Warringah Development Control Plan - E1 Private Property Tree Management

RECOMMENDATION

Approval

SITE DESCRIPTION

Property Description:	Lot 2584 DP 752038 , 5 Angophora Crescent FORESTVILLE NSW 2087
Detailed Site Description:	The subject land has a site area of 2,833 sqm with a width of 20.1 metres to Angophora Crescent that widens to 41.7 metres at the rear and a depth of 100.5 metres. The lot is a battleaxe shape and the land drains toward Yiremba Place. A piped drainage easement connects the site to Yiremba Place however the easement is not currently utilised for stormwater from the site. Existing development on the site consists of a main dwelling house and a secondary dwelling joined a connecting hallway. The land also contains a large open carport, secondary carport and a relocatable studio and a shed. Vehicle access is available from Angophora Crescent. The land in front of the existing dwellings is gently sloping however, a cliff line extends diagonally through the rear part of the site that is up to 4.0m high. There are numerous native and exotic trees on the site concentrated on the front half of the property and below the cliff line. The existing dwellings were constructed to partly overhang the cliff line in places. Pedestrian access only is possible to the lower (rear) part of the site via a steep informal pathway. Adjacent and surrounding development consists of low density residential housing in landscaped settings. Other

significant land uses in the vicinity of the site includes; local shops 150 metres west of the site in Arthur Street, a public recreation reserve opposite the site and Garigal National Park 80 metres south west of the site. The site is bushfire prone but does not contain any threatened flora or fauna habitat. No aboriginal relics have been identified along the cliff line and bushland areas within the site.

Map:



SITE HISTORY

Development application No: DA2012/1078 for a three lot subdivision of land and site works was withdrawn by the applicant on 17 November 2012 upon written request of Council due to environmental and design issues.

Prelodgement meeting No: PLM2011/0119 for subdivision of land from 1 lot into 2 or more lots was held on 1 December 2011, with written advice sent to the applicant on 12 December 2011.

Building application No: BA5003/0336 for alterations and additions (carport & deck) was approved by Council on 9 May 1995.

Building application No: BA5001/9681 for alterations and additions (sunroom) was approved by Council on 1 July 1992.

Building application No: BA1540/84 for building additions (living room) was approved by Council in 1984.

Building application No: BA3116/80 for a swimming pool and building additions was approved by Council in 1980.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following works:

- Torrens Title subdivision of 1 Lot into 3 Lots;
- Demolition work to remove the connecting hallway between the two dwellings and demolish two carports and outbuildings;
- Construction of a concrete driveway giving shared right of way vehicle access from Angophora Crescent;
- Tree clearing to enable drainage work, new service connections, driveway infrastructure and ancillary site works;
- Construction of a shared on-site stormwater detention basin, including connection to an easement that drains to Yiremba Place.

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>Clauses 54 and 109</u> of the EP&A Regulation 2000, in considering the Council has not needed to request any additional information in considering the number of days taken to assess this application. <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>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including

Section 79C 'Matters for Consideration'	Comments
	fire safety upgrade of development). This matter is not applicable to this development. <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. Environmental issues of stormwater management, vehicle access, tree removal, lot size and setbacks, construction management, and amenity impacts have been adequately addressed by the design of the proposal and recommended conditions of consent. (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 since the minimum required lot size has been complied with, stormwater will be adequately managed and tree removal is limited to areas for building works and new driveway construction.
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, in that issues raised have been suitably addressed by the design of the proposal and recommended conditions of consent to ensure no unreasonable impact on surrounding properties. The proposal is not contrary to the public interest in that it is consistent with the objectives of the Warringah LEP 2011 and Warringah DCP.

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:
Robert Mork	5 Apra Street FORESTVILLE NSW 2087
Stuart James Iles	7 Angophora Crescent FORESTVILLE NSW 2087
Stuart Leslie Jarvis	9 Angophora Crescent FORESTVILLE NSW 2087
Kimberley James Carter	9 Apra Street FORESTVILLE NSW 2087
Robin Arnold Warwick Norman Bookallil	17 Lolita Avenue FORESTVILLE NSW 2087
Don Fox Planning Pty Ltd	P O Box 230 PENNANT HILLS NSW 1715

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

- Access
- Privacy and amenity
- Solar access
- On-site Detention
- Geotechnical risk
- Tree removal
- Overdevelopment
- Potential Unit/Townhouses
- Loss of habitat
- Streetscape
- Notification period
- Water runoff
- Lot width
- Building envelope
- Arboricultural assessment
- Flora and Fauna assessment

The matters raised within the submissions are addressed as follows:

- *Concern that the subdivision does not have adequate access for the new Lots and proper access will be difficult to provide for cars and pedestrians*
Comment: The proposed access is via a shared right of carriageway and will comply with Council requirements detailed under *Part C1 Subdivision* of the Warringah DCP. The construction work will require the removal of trees along the north-western boundary and a driveway design that meets AUSPEC standards. Council's Development Engineers are satisfied with the suitability of the access proposed, subject to conditions.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the subdivision will create a loss of privacy and amenity.*
Comment: The existing two dwellings on site will remain and therefore privacy will not be

unreasonably affected for neighbours in relation to proposed Lot 2 and Lot 3. These two lots also have more than 40% of their proposed site area available for landscaping. Proposed Lot 1 has been included with a building envelope and detailed privacy considerations for a future dwelling on this lot will be addressed at the time of a development application for a future house. A compliant landscaped open space area (40%) will be provided for Lot 1 to enable screen trees and shrubs to be replanted to replace the trees that will need to be removed for the subdivision works and future dwelling construction. The pattern and density of development proposed is consistent with the surrounding land uses and therefore no unreasonable impacts on privacy and urban amenity are likely.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that future dwellings on the property will not achieve adequate solar access for private open space*

Comment: Solar access requirements will be assessed in detail at the time of development for a new dwelling on proposed Lot 1. The proposal has been designed however with adequate rear setback area for the location of private open space on Lot 1 for a future dwelling. The approved dwellings located within proposed Lot 2 and Lot 3 will remain and their private open space is unchanged. Overshadowing from trees is not a factor that is considered in solar access calculations for private open space. The proposal will not create any unreasonable impacts on solar access for future occupants.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the On-Site Detention (OSD) basin will become blocked with leaf litter and the water in it will contain mosquitoes*

Comment: The OSD basin has been designed with easy access for maintenance and includes a box grille outlet and level spreader overflow, to ensure the water outlet does not become blocked by any debris. The OSD basin will be routinely maintained under a shared user agreement, addressed by a condition of consent. The OSD basin is designed to drain out slowly after rain and will not contain water during dry periods, therefore preventing stagnant water forming that would be used by mosquitoes.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the geotechnical report does not address the possible construction of a dwelling at the lower level below the cliffline*

Comment: The proposal does not include any future construction of dwelling below the cliff line therefore no assessment of this is required. Only the OSD basin and drainage works are proposed in the cleared area below the cliff line since the two existing dwellings on the site are to remain. The OSD basin is in a suitable location for its safe construction. Geotechnical risks for the proposed works have been addressed within the submitted geotechnical report and by the recommended conditions of consent.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that many of the trees and shrubs will be removed for access and other works.*

Comment: This issue is addressed in detail under *Part E1 Private Property Tree Management* within this report. In summary, the location of the driveway and OSD basin will necessitate the removal of some trees however the tree removal proposed has been limited to enable essential site works only to facilitate the subdivision. The properties have sufficient landscaped open space to enable future replanting of canopy trees and deep soil vegetation. The additional tree removal for a future dwelling on proposed lot one will be addressed with a future development application providing a dwelling design and landscaping for that lot.

In summary, the concern raised does not warrant refusal of the application.

- *The proposal is an overdevelopment*

Comment: The subdivision satisfies the density controls of the Warringah LEP 2011 and the requirements of the Warringah Development Control Plan (WDCP). Therefore the proposal not an unreasonable development for the site and is consistent with the R2 Low Density Residential zone and surrounding land use pattern.

In summary, the concern raised does not warrant refusal of the application.

- *The large lots sizes will lead to unit and townhouse style development*

Comment: The large Lot sizes for proposed Lots 2 and Lot 3 are due to the site constraints created by the steep topography, the parent lot shape and existing dwellings on the site. Lot 1 will be burdened by a right of way and therefore the 791 sqm lot size is required to provide adequate land area for the shared driveway. The site is zoned R2 Low Density Residential and therefore Units and Townhouses are not permitted under the Warringah LEP 2011.

In summary, the concern raised does not warrant refusal of the application.

- *Loss of tree habitat for birds and animals*

Comment: The subject land does not contain any threatened species or critical habitat and local habitat is well represented within the Garigal National Park situated 80m south-west of the site. The tree canopy, rock outcrops and remnant habitat at the rear of the site within proposed Lot 2 will be conserved and the majority of native trees on proposed Lot 3. The mature Lemon Scented Gum on the north western side of Lot 3 will also be conserved. Therefore, the proposal has been designed to limit tree removal to facilitate only the necessary subdivision works for the driveway, OSD basin and other ancillary works. Sufficient landscaping area will be retained to enable future replacement canopy trees for wildlife habitat. No unreasonable loss of habitat will result from the proposed subdivision.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the removal of trees for the driveway will have an adverse impact on the streetscape*

Comment: The applicant has been unable to achieve a shared access arrangement with the

adjacent driveway over No.7 Angophora Crescent. Such an arrangement would also require widening (to 6.0m) and upgrading including similar amount of tree removal, as it would then be servicing up to 8 properties. The streetscape will be changed by the proposal in that a new single residential dwelling will also be visible from the street in the future, once constructed under a separate approval. This impact, and the required tree removal is not unreasonable for a low density residential area. A condition however is included to provide a building envelope with a 7.0m front setback and 10.0m rear setback to ensure 40% landscaped open space is provided (outside the envelope) for a future dwelling and sufficient area for future deep soil planting.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the notification period is insufficient objections*

Comment: The normal statutory notification period of 14 days has been provided to enable public submissions to Council, however any submissions received after the closure of the notification period are still considered up to the time of determination. All submissions received and considered are included in Attachment C.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the runoff from the site will be increased*

Comment: The surrounding area contains a lot of surface sandstone and therefore high runoff due to thin soil depths. The site currently does not contain any stormwater management to reduce the impacts of water runoff to downslope properties. The OSD basin will improve stormwater management during normal rainfall events as it will now manage water runoff from most of the site and control the discharge rate to a piped easement and Council infrastructure in Yiremba Place. Council's development engineers are satisfied that the proposal meets the requirements of *Part C4 Stormwater* of the Warringah DCP and no unreasonable runoff impacts will result.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that proposed Lot 3 does not comply with the minimum Lot width*

Comment: The site already contains 2 approved dwellings that will occupy proposed Lot 2 and Lot 3. The configuration and location of these dwellings has influenced the subdivision boundary between the 2 lots. The non-compliance with the minimum width will still satisfy the objectives and the development standard and subject to conditions, compliance with the Building Code of Australia. A detailed assessment of the subdivision standards is provided under *Part C1 Subdivision* within this report. In summary, the proposed subdivision is satisfactory under the Warringah Local Environmental Plan (WLEP) and Warringah DCP.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the building envelope for Lot 1 has not been subject to a detailed geotechnical assessment*

Comment: Proposed Lot 1 is flat land with no significant geotechnical features or slope

constraints. A detailed assessment for a dwelling house within the building envelope will be required to address any relevant matters at the time of a future development application for a new dwelling. This will partly be dependent on the dwelling design selected. An adequate building envelope has been proposed and Lot 1 is considered to be suitable for residential use without any unreasonable geotechnical risk. It is noted that the Geotechnical assessment was lodged with the proposal and the recommendations within that report will be included in the draft conditions for review by the Application Determination Panel.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the Arboricultural Assessment Report is inadequate to address the tree removal required*

Comment: The arboricultural report has provided recommendations for the protection of trees that are to be retained near any site works and has identified all trees that are to be removed. Council's Landscape Officer has reviewed the report prepared by *Horticultural Management Services*, dated 13 February 2013, and determined that the report is satisfactory for the development proposed. Suitable conditions have been recommended to address specific tree protection requirements.

In summary, the concern raised does not warrant refusal of the application.

- *Concern that the Flora and Fauna Assessment Report is inadequate to address environmental impact.*

Comment: Council's Natural Environment Unit (Biodiversity) has reviewed the Flora and Fauna Report and determined that the report prepared by *Horticultural Management Services*, dated 13 February 2013, is satisfactory and that the proposal will not cause an unreasonable impact on local habitat or wildlife populations, and that the site does not contain any threatened species.

In summary, the concern raised does not warrant refusal of the application

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	Development Engineering have reviewed the proposal and raise no objections to approval, subject to conditions.
Environmental Health and Protection (Contaminated Lands)	This proposal has been reviewed by the Environmental Health & Protection and have no objection to approval of the proposal. No conditions are recommended.

Internal Referral Body	Comments
Landscape Officer	The plans indicate removal of some 32 trees to accommodate the proposed driveway and detention basin. A number of these trees are exempt species or in poor health. Detailed assessment is included in the report prepared by <i>Horticultural Management Services</i> . A similar number of trees are to be retained on the site, including native species of a significant size, including the Lemon Scented Gum near the driveway within proposed Lot 3. Significant rock outcrops toward the rear of the site are also to be retained as they are clear of the major site works. No objections are raised to approval, subject to standard conditions.
Natural Environment (Biodiversity)	The subdivision will not have a significant impact on flora or fauna habitat or threatened species. No objection to approval and no conditions are recommended.
Traffic Engineer	The additional traffic generation from this site will not have any adverse impact on the surrounding road network. Proposed Lots 1, 2 and 3 have adequate area for two off-street carparking spaces. Vehicles can turn around at the head of the shared driveway to leave in a forward direction. The plans show a wider than normal layback on Angophora Crescent, however only a DCP standard shared driveway and layback, as per Council specification, is required. No objection to approval, subject to conditions.
Waste Officer	Waste bins will have to be brought up the driveway to be presented at the kerb in Angophora Crescent on collection days as happens now. Each Lot has adequate space for two off street car spaces, therefore street parking demand is not being increased that might obstruct the side loader mechanism of the garbage truck. No objection to the proposal and no conditions are recommended.

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	No objection to approval of the proposal, subject to conditions detailed within the AHO Referral Response, dated 19 April 2013, details are included with Attachment C.
Integrated Development - NSW Rural Fire Service – head office	The proposal was referred under Section 100B of the <i>Rural Fires Act 1997</i> . The NSW Rural Fire Service (RFS) issued a Fire Safety Authority dated 9 May 2013 in accordance subject to conditions of approval detailed within the RFS Referral Response included with Attachment C

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 future residential 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 application was referred to Ausgrid who did not raise any objection to the proposal.

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: Proposed Lot 1: (excluding shared right of way) Proposed Lot 2: (excluding shared right of way)	600 sqm	600.3 sqm	N/A	Yes Yes

Proposed Lot 2: (excluding shared right of way)		754.3 sqm 1158 sqm		Yes
Height of Buildings: (no change to existing dwellings)	8.5 m	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
2.7 Demolition requires consent	Yes
4.1 Minimum subdivision lot size	Yes
4.6 Exceptions to development standards	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B3 Side Boundary Envelope (Proposed lots) Lot 1 Lot 2 Lot 3	4m	Complies Does not comply Complies	N/A N/A N/A	Yes No* Yes
B5 Side Boundary Setbacks (North) Lot 1 (to building envelope) Lot 2 (to dwelling with passageway removed) Lot 3 (to dwelling with passageway removed)	0.9m	6.0m 3.5m 0.0m (nil)	N/A N/A 100%	Yes Yes No*
B5 Side Boundary Setbacks (South) Lot 1 (to building envelope) Lot 2 (to dwelling with passageway removed) Lot 3 (to dwelling with passageway removed)	0.9m	1.0m 0.9m 2.0m	N/A N/A N/A	Yes Yes Yes
B7 Front Boundary Setbacks Lot 1 (to building envelope) Lot 2 (to existing dwelling) Lot 3 (to existing dwelling)	6.5m	6.5m N/A N/A	N/A N/A N/A	Yes N/A N/A
B9 Rear Boundary Setbacks Lot 1 (to building envelope) Lot 2 Lot 3	6m	9.37m 13.0m 3.0m (OSD) 36.0m (dwelling)	N/A N/A 33% N/A	Yes Yes No* Yes
D1 Landscaped Open Space (LOS) and				

Bushland Setting Lot 1 (excluding building envelope and ROW) Lot 2 Lot 3 (including OSD basin)	40%	37% (225sqm) 44% (337 sqm) 74% (868 sqm)	N/A	No* Yes Yes
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* Refer to merit assessment for variations to the Side Boundary Envelope, Side Boundary Setback, Rear Boundary Setback and Landscaped Open space, addressed in detail within this report.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C1 Subdivision	No	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
Community Title Subdivisions and/or Residential Development involving Private Roads	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	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	No	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The side boundary envelope is breached by the enclosed deck and lower roof edge of the existing dwelling on proposed Lot 2 at the southern corner of the dwelling adjacent the cliff edge.

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 non-compliance occurs due to the new boundary line that follows the edge of the 4.0m high cliffline and by the circumstance that the dwelling house is constructed very close to the steep topography along the cliffline. There will be no change to the majority of the dwelling or any increase in building bulk or height. Therefore the proposal will have not unreasonably visually dominate surrounding land.

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

Comment:

The breach of the building envelope will not impact on the existing light, solar access or privacy between adjacent dwellings since proposed Lot 2 and Lot 3 are already developed by virtue of the existing dual occupancy on the parent Lot.

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

Comment:

The subdivision line creates only a minor point encroachment and the proposed subdivision lot shape has been influenced by the natural topography to provide the most practical lot area for access, stormwater management and splitting of the existing dual occupancy into two detached dwelling by removing the connecting hallway.

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

B5 Side Boundary Setbacks

Description of non-compliance

The non-compliance relates to a minimum side setback 0.0m (nil) proposed for a 2.0m wall section at the west corner of the existing dwelling on proposed Lot 3. The hallway connecting the existing dual occupancy is to be demolished and the proposed subdivision line will then separate the two dwellings.

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 site is covered extensively in trees and landscaped areas, including some remnant bushland. Tree clearing will be confined to areas needed for the new driveway, services, carparking and onsite detention. The setback non-compliance is located between the two existing dwellings and over a rock outcrop, therefore there is no practical opportunity for landscaping adjacent the non-complying section of the building for the proposed boundary between Lot 2 and Lot 3.

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

Comment:

The hallway connecting the existing dwelling on proposed Lot 2 and the existing dwelling on proposed Lot 3 is to be demolished, therefore there will be no unreasonable impact from the non-compliance in the setbacks proposed for visual impacts on surrounding land.

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

Comment:

The hallway connecting the existing dwelling on proposed Lot 2 and the existing dwelling on proposed Lot 3 is to be demolished, therefore no increase in the scale and bulk of the subject dwellings will occur.

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

Comment:

The proposal will be able to maintain reasonable privacy, amenity and solar access to the existing dwellings on the land and neighboring properties. Compliant separation can easily be achieved by a minor adjustment to the dividing boundary line proposed between Lot 2 and Lot 3 to enable a minimum of 900 mm setback. This will also enable better separation for maintenance purposes and fire separation. This issue is addressed by a recommended condition.

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

Comment:

The proposed non-compliance will have no unreasonable impact on views from adjacent private land or public places surrounding the site.

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

B9 Rear Boundary Setbacks

Description of non-compliance

Onsite detention (OSD) basin structure is located across most of the rear setback for proposed Lot 3 (33% variation (13m wide OSD in 20m wide setback), noting that half the rear setback area may include minor encroachments as 'exceptions').

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 opportunities for deep soil landscape areas are maintained.*

Comment:

The OSD basin has an earth floor and therefore minor planting will be possible within the OSD basin. The setback of the OSD basin is 3m from the rear boundary to enable access and landscaping around the structure. The location for the OSD basin is already partly cleared and has been selected to ensure other parts of the site that contain remnant native bushland are not cleared. Lot 2 will maintain 74% of its site area for landscaping and therefore sufficient area will be maintained for landscaping despite the non-compliance with the rear setback.

- *To create a sense of openness in rear yards.*

Comment:

The OSD basin is situated in the lower corner of the site that is relatively inaccessible and not suitable for recreational purposes due to difficulty of access below the cliff line that runs diagonally through the lower part of the site. The OSD basin is a low structure close to ground level and integrated into the natural slope of the land. The OSD basin will not be prominent or readily visible to adjacent rear yards and will not compromise the surrounding sense of openness.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The OSD system is designed to manage stormwater from the site to reduce the impacts of uncontrolled surface runoff during normal rainfall events. At present the site has no stormwater detention and water runoff can impact the amenity of properties below the site (namely No.10 & 12 Yiremba Place). The location of the OSD is setback from the rear boundary by 3m to enable maintenance and minimise amenity impacts on properties below the site. The OSD area is required to be large enough to manage the stormwater from the entire site however because it is located in the bottom corner of the site and constructed as a basin, visual amenity impacts are minimized, including any unnecessary tree clearing. The amenity of adjacent land will not be unreasonably affected.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The OSD basin has been located within a space that is mostly cleared of trees already and in the lowest corner of the site that is generally unusable due to the difficulty of access past the cliffline that extends diagonally across Lot 2 and Lot 3. The the existing tree canopy adjacent the OSD area will be retained and therefore tree clearing has been kept to a minimum. The major landscape elements of the cliff line, caves and large native canopy trees will be retained. Fencing required around the OSD will be of open style and is consistent with other residential fencing in the vicinity of the site. Therefore, the OSD basin will not be readily visible from neighbouring dwellings and visual continuity will not be unreasonably affected.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The location of the OSD basin will not have any unreasonable impact on privacy to adjacent dwellings. Routine access for maintenance will be possible from within the site and a condition is recommended to ensure timber stair access is constructed from above the cliff line within Lot 2 or Lot 3 to enable easy access within the site and therefore deter any necessity for maintenance personnel to disturb / request alternative access over neighbouring land (to avoid negotiating the cliff line within the site).

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

C1 Subdivision

Component	Requirement	Proposed	Compliant

Lot requirements	R2 Low Density Residential zone requirements: Proposed new allotments: a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m²	Proposed Lot 1 a) Minimum width: 20.1 metres b) Minimum depth: 39.6 metres; and c) Minimum building area: 600.3 m² Proposed Lot 2 a) Minimum width: 15.3 metres b) Minimum depth: 34.9 metres; and c) Minimum building area: 754 m² Proposed Lot 3 a) Minimum width: 12.3 metres b) Minimum depth: 24 metres; and c) Minimum building area: 1158 m²	Yes Yes Yes Yes Yes Yes No - Refer to discussion below this table No - Refer to discussion below this table Yes
Access	Motor vehicle access to each residential allotment is required from a constructed and dedicated public road. Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction. Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided. Driveways, accessways, etc, to allotments should have a gradient not	Yes, but includes use of a Right of Way Yes, subdivision includes legal constructed access (Right of Way) to Council's satisfaction Yes, adequate width and passing bays provided service vehicles. No change is required to garbage collection point on Angophera Crescent. Driveways and access to allotments comply with gradient standards. Driveway is from road	Yes Yes Yes Yes Yes Yes

exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.	frontage for Lot 1, 39.6m for Lot 3 and 63.7m for Lot 2.									
Driveways in excess of 200 metres will not be allowed for residential development.	A passing bay is provided at the entry point from Angophera Crescent and the midpoint along the driveway at a distance of less than 30m. The midpoint passing bay complies with 5.0m width and 10m length. Sight conditions for the driveway are capable of compliance to minimise vehicle conflict.	Yes								
Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.		Yes								
Passing bays should have regard to sight conditions and minimise vehicular conflict.	Reciprical right of way is used at the end of the driveway for ingress / egress for the existing dwellings and passing and turning areas.	Yes								
Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.	The right of carriage was is capable of accommodating 2 cars per household and domestic service vehicles.	Yes								
Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.	Complies with requirement for 1-5 lot subdivision accessway.									
Width of accessways are to be as follows:										
<table><tr><td>Number of lots to be serviced</td><td>Width of clear constructed accessway (m)</td></tr><tr><td>1 - 5</td><td>3.5</td></tr><tr><td>6 - 10</td><td>5.0</td></tr><tr><td>in excess of 10</td><td>Access is to be provided by a private</td></tr></table>	Number of lots to be serviced	Width of clear constructed accessway (m)	1 - 5	3.5	6 - 10	5.0	in excess of 10	Access is to be provided by a private	Complies with requirement for 'up to 3	
Number of lots to be serviced	Width of clear constructed accessway (m)									
1 - 5	3.5									
6 - 10	5.0									
in excess of 10	Access is to be provided by a private									

	<table><tr><td></td><td>or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)</td></tr></table> Provision of services in rights of carriageway are as follows: <table><tr><td>Number of lots to be serviced</td><td>Additional width to be provided in Right of Carriageway (m)</td></tr><tr><td>Up to 3 lots</td><td>0.5</td></tr><tr><td>4 or more lots</td><td>1.0</td></tr></table>		or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)	Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)	Up to 3 lots	0.5	4 or more lots	1.0	lots' additional width of 0.5 for services.	
	or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)										
Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)										
Up to 3 lots	0.5										
4 or more lots	1.0										
Design and construction	All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.	Satisfactory. Conditions of consent recommended to ensure construction compliance.	Yes								

	Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.		
Drainage	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.	Satisfactory. Conditions of consent recommended to ensure construction compliance.	Yes
Restrictions	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	Satisfactory. Conditions of consent recommended to ensure compliance with subdivision certificate.	Yes
Environmentally constrained land	In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk,	Satisfactory. Conditions of consent recommended to compliance with subdivision certificate.	Yes

	bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment. Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.		
Bushfire	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	Satisfactory. Conditions of consent recommended to compliance with subdivision certificate.	Yes

Description of non-compliance

Proposed Lot 3 is 12.3 metres at its minimum width and 24 metres at its minimum depth.

Merit consideration

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

- *To regulate the density of development.*

Comment:

Each proposed lot will comply with the minimum area requirement (excluding any right of way) for subdivision and the pattern and density of the development will be consistent with the surrounding land.

- *To limit the impact of new development and to protect the natural landscape and topography.*

Comment:

The proposal has been designed to minimise impact on the natural topography of the site. Tree clearing has been limited to the areas where tree removal must occur to accommodate essential engineering structures. Where possible trees will be retained as part of the subdivision works, such as to protect the Lemon Scented Gum between the driveway and the north western boundary of Lot 2. The subdivision pattern is also influenced by the position of the two approved dwellings on the site and the cliff line that limits access to the rear of Lot 2 and Lot 3 to respond to the natural topography.

- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*

Comment:

Each lot will be provided with at adequate area for landscaping, future private open space, new drainage management, provision of services and new driveway access to comply with the Warringah DCP. Suitable conditions are recommended to ensure compliance with the the Building Code of Australia with respect to the new internal subdivision boundaries and that suitable access (such as a staircase down the cliff line) for maintenance of the OSD basin is provided to protect the natural environment.

- *To maximise and protect solar access for each dwelling.*

Comment:

Solar access will not be compromised by the non-compliance with the minimum site depth or site width since proposed Lot 2 and Lot 3 already have suitable private open space with solar access that will remain compliant.

- *To maximise the use of existing infrastructure.*

Comment:

The proposal will require the construction of a new driveway and stormwater detention basin and the existing dwellings on the property will be retained. The driveway and stormwater system will be shared infrastructure and therefore provide efficiency of use and maintenance.

- *To protect the amenity of adjoining properties.*

Comment:

The proposal density of the development is consistent with the pattern and density of surrounding residential development. Subject to conditions, no unreasonable impact on the amenity of adjoining properties will result from the subdivision works.

- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

Comment:

The subdivision has been provided with a Fire Safety Authority from the NSW RFS to satisfy bushfire safety considerations. Landslip risk has been fully assessed by a geotechnical hazard assessment and recommendations. The report concludes that the site is suitable for the proposal and no there are no unreasonable risks subject to the recommendations of the geotechnical report. The site is not subject to flooding however properties below the site are affected by overland flow that is currently uncontrolled runoff from the surrounding land. The subdivision will provide an OSD basin to better manage storm water runoff from the site and reduce nuisance runoff, therefore risks to adjacent land from stormwater runoff will be minimised.

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

E1 Private Property Tree Management

Merit consideration:

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

- *To improve air quality, prevent soil erosion and assist in improving: water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*

Comment:

The proposal will include soil erosion protection and conditions to ensure air and noise quality is maintained during site works, including tree clearing. Overall the proposal will enable stormwater retention by the use of an OSD system, and maintain substantial vegetation for carbon sequestration. The proposal will create no unreasonable impact on noise emissions or energy conservation.

- *To protect human life and property through professional management of trees in an urban environment.*

Comment:

The Arboricultural Impact Assessment, prepared by *Horticultural Management Services* dated 13 February 2013, details the proposed tree removal necessary for the subdivision works and the trees to be retained to ensure no unreasonable risk to human life and property. Management recommendations are included within the report to ensure engineering work protection for trees are provided and the subdivision works satisfy this objective.

- *To provide habitat for local wildlife.*

Comment:

The site does not contain significant area of habitat for local wildlife however there are natural rock features and large canopy trees and a variety of vegetation on the site. Garigal National Park is 80 metres south-west of the site and contains the dominant habitat to sustain local wildlife populations in the area. The proposal will not significantly affect habitat for local wildlife as the proposal will retain the main habitat features of the rock outcrops and remnant vegetation at the rear of Lot 2 and Lot 3.

- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community (refer to Warringah Natural Area Survey, August 2005).*

Comment:

The remnant bushland at the back of Lot 2 contains the least disturbed area of natural

vegetation on the site. The proposal will retain the majority of existing canopy trees and the subdivision will retain sufficient landscaped open space area to enable replanting of trees to replace vegetation that is to be removed for stormwater and driveway works. The site is also within an established suburban area and therefore the proposal is not inconsistent with the surrounding development pattern.

- *To preserve and enhance the area's amenity.*

Comment:

The tree removal on the site for the new driveway access is necessary as no alternative access was possible over adjacent land to reach proposed Lot 2 and 3. However, a number of the trees to be removed are exotic species and the development will not prevent future replanting within the site to match landscaping that is compatible with the amenity of the area. The tree removal at the rear of the site for the OSD system has been minimised by locating the OSD basin within an existing clearing and by using only one shared OSD basin rather than 3 separate OSD basin (for each lot). Therefore, despite the necessary tree clearing required to facilitate access and stormwater detention the areas amenity will be maintained in the long term in that the site will retain sufficient deep soil area for landscaping, including protecting the Lemon Scented Gum at the north-west boundary of Lot 3 and the remnant bushland at the back of Lot 2 to be retained.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of 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 \$ 265,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,518
Section 94A Planning and Administration	0.05%	\$ 133

Total	1%	\$ 2,650
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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

THAT Council as the consent authority grant Development Consent to DA2013/0397 for Demolition works and subdivision of land on land at Lot 2584 DP 752038, 5 Angophora Crescent, FORESTVILLE, 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

Subdivision Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan 5068-DA 001-B	11.2.2013	Indesco
Plan of Subdivision E2384/61783	2.4.2013	Burton and Field Surveying
Location of Drainage Pipe E2384/61783	2.4.2013	Burton and Field Surveying

Engineering Plans		
Drawing No.	Dated	Prepared By
Stormwater Plan 5068-DA 003-B	11.2.2013	Indesco
Detail Sheet 5068-DA 004-B	11.2.2013	Indesco
Erosion and Sediment Control and Construction Management 5068-DA 006-A	14.9.2012	Indesco
Erosion and Sediment Control Notes and Details 5068-DA 007-A	11.2.2013	Indesco
Driveway Turning Areas 5068-DA 002-C	11.2.2013	Indesco
Driveway Details 5068-DA 005-B	11.2.2013	Indesco

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment 25615Zrpt	26.3.2012	Jeffery and Katauskas Pty Ltd
Environmental Site Assessment E25615KGrpt	April 2012	Environmental Investigation Services
Bushfire Hazard Assessment Report 12.03.32	14.3.2012	Control Line Consulting
Arboricultural Impact Assessment	13.2.2013	Horticultural Management Services
Vegetation and Weed Eradication Management Plan	13.2.2013	Horticultural Management Services
Flora and Fauna Impact Assessment	13.2.2013	Horticultural Management Services
Aboriginal Heritage Site Report	18.4.2012	Metropolitan Local Aboriginal Land Council

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

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

d) The development is to be undertaken generally in accordance with the following:

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Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan E2384/61783	2.4.2013	Burton and Field Surveyors

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

2. **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
NSW Rural Fire Service	NSW Rural Fire Service Referral Response	9.5.2013
Aboriginal Heritage Office	Aboriginal Heritage Office Referral Response	19.4.2013

(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)

3. **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)

4. **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

5. 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 \$ 265,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,518
Section 94A Planning and Administration	0.05%	\$ 133
Total	1%	\$ 2,650

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.

6. **Bonds**

(a) Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Councils 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 (Drainage)

A Bond of \$5,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

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

A Bond of \$2,500 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.

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

7. **Vehicle Crossings Application Formwork Inspection**

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

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

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

8. Submission of Engineering Plans

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design and construction of the following:-

1. Design levels at the front boundary must be obtained from Warringah Council
2. Construction of a paved common driveway 3.5 m wide and passing bays at the front boundary and at the rear boundary of front lot. The passing bay shall be at least 5m wide and 10m in length to be provided at the front and at the rear of the front lot.
3. The pavement of common driveway (right of accessway) designed by a structural engineer must have a kerb to one side and a one- way crossfall with minimum grade of 2% and lintel & pit and trench grates (where applicable) at the boundaries of the proposed lots.
4. The driveway must be rigid pavement and if existing concrete driveway must be removed unless a chartered NATA registered Structural engineer certifies that the driveway is capable of remaining structurally stable under an 8 tonne traffic loading.
5. Plans must indicate the location of all public utility services to be provided for the proposed lots.
6. Construction of an inter-allotment drainage system to service the proposed lots. The pipe system must be designed for a 20 year ARI storm. The existing pipe drainage system will have to be upgraded to comply with the design requirements. A Council standard pit will be required to be provided at the Yiremba Place where the proposed inter-allotment pipe system connect into Council's drainage system.
7. Construction of an inter-allotment drainage line between proposed lot 2 and proposed OSD system located in proposed lot 3.
8. Typical details of the dispersion trench are to be provided on the drawings.
9. Structural details of the retaining wall surrounding the OSD system are to be provided on the drawings.

The proposed works are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENCPC1)

9. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Indesco, (project 5068-DA), drawing numbers 003 and 004, dated 11/2/13.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. Stormwater runoff from all roof and paved areas from proposed lot 2 are to be piped directly to the control discharge pit located at the south eastern corner of the OSD basin.
- ii. Overflow from the OSD basin is to be collected and directed to the inter-allotment pipe drainage system.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval 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. (DACENCPCC3)

10. **Trees and / or Landscaping**

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

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Existing trees which must be retained

(i)

All trees not indicated for removal on Site Plan -		
Drawing Number	Dated	Prepared By
001 B	11 February 2013	Indesco

(ii)

All Recommendation's Arboricultural Impact Assessment		
Report	Dated	Prepared By
Arboricultural Assessment Repot	13 February 2013	Horticultural Management Services

(c) Tree Protection

- i) No tree roots greater than 50mm diameter are to be cut unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites and the recommendation's of the Arboricultural Impact Assessment, dated 13 February 2013, prepared by Horticultural Management Services.

iv) All tree protection measures are to be in place prior to commencement of works

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 1742 Set - 2010 Manual of uniform traffic control devices Set**

*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)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

14. Vehicle Crossings

The provision of one vehicle crossing five (5) metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

15. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

16. Layback Construction

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

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

17. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

18. 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. (DACLA03)

19. Installation and Maintenance of Sediment Control

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

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

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

20. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the approved Waste Management Plan.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)

21. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be submitted to the Principal Certifying Authority.

Reason: To ensure waste is minimised and recovered for recycling where possible. (DACWTE02)

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

22. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

23. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Min Pot Size
1 (One)	1 x <i>Corymbia gummifera</i> located in the road verge in front of the subject site, clear of driveway sight lines, infrastructure and generally in alignment with other street trees.	Road verge in front of site.	25 litre

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

Reason: To maintain environmental amenity. (DACLAF01)

24. 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)

25. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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 compliance with the statutory requirements of Sydney Water. (DACPLF08)

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

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

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, 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, which are available from Warringah Council. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system.
(DACENH02)

27. **Provision of Services for Subdivision**

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan.

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

Reason: To ensure that utility services have been provided to the newly created lots.
(DACENH03)

28. **Right of Access**

A right of access and reciprocal rights of access (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument to include all vehicular access, manoeuvring and common turning areas must be created.

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

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919. (DACENH04)

29. **Restriction as to User for On-site Stormwater Detention**

A restriction as to user (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and accompanying 88B instrument for the on-site stormwater detention system, restricting any alteration or additions to the system. The terms of such restriction are to be prepared to Council's standard requirements, which are available from Warringah Council. 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 the Subdivision Certificate.

Reason: To ensure no modification to the on-site stormwater detention structure without Council's approval. (DACENH07)

30. **Services**

All utilities/services and street lighting is to be installed by the applicant/developer. Certification

is to be provided to Council stating the above requirement has been complied with.

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

Reason: Public safety and to ensure services have been provided for the newly created lots. (DACENH09)

31. **Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACENH13)

32. **Easement for Drainage**

An easement/s for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s) to service the proposed Lots.

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

Reason: Council’s Subdivision standards and statutory requirements of the Conveyancing Act 1919. (DACENH16)

33. **Easement for Services**

An easement for services (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision and the accompanying 88B instrument to ensure all utility services are located within the appropriate easement(s).

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

Reason: Council’s Subdivision standards and statutory requirements of the Conveyancing Act 1919.(DACENH18)

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

Prior to issue of a subdivision certificate the on-site stormwater detention (OSD) system must be

certified by a consulting engineer and include a “works as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans. 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.

Reason: To ensure stormwater disposal is constructed to standard specifications AUSPEC 1. (DACENH21)

35. **Release of Subdivision Certificate**

To enable the lodgement of the final plan at the NSW Land and Property Information Department the Subdivision Certificate shall not be issued until the Final Occupation Certificate for the approved development.

Reason: To ensure that the plans relate to approved development. (DACENH23)

36. **Subdivision Certificate Application**

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council’s fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919. (DACENH24)

37. **Access to Onsite Detention Area**

A staircase is to be constructed to enable safe and practical access down the cliff line to the approved OSD basin, via Lot 2 or Lot 3. The staircase may be located within the proposed easement "A" as shown on the approved plans, or between or adjacent to the existing the dwellings on Lot 2 and 3 (with legal through access for OSD maintenance purposes provided under a S88B instrument).

Details are to be provided to the satisfaction of the Certifying Authority with the Subdivision Certificate.

Reason: Practical safe access to critical site infrastructure (DACENHPS2)

38. **Boundary Alignment Lot 2 and Lot 3**

The boundary alignment between proposed Lot 2 and Lot 3 is to be adjusted to ensure a minimum 900mm clearance to the walls of the dwelling structures that are to be retained.

Details demonstrating compliance are to be provided on the subdivision plans prior to issue of the subdivision certificate

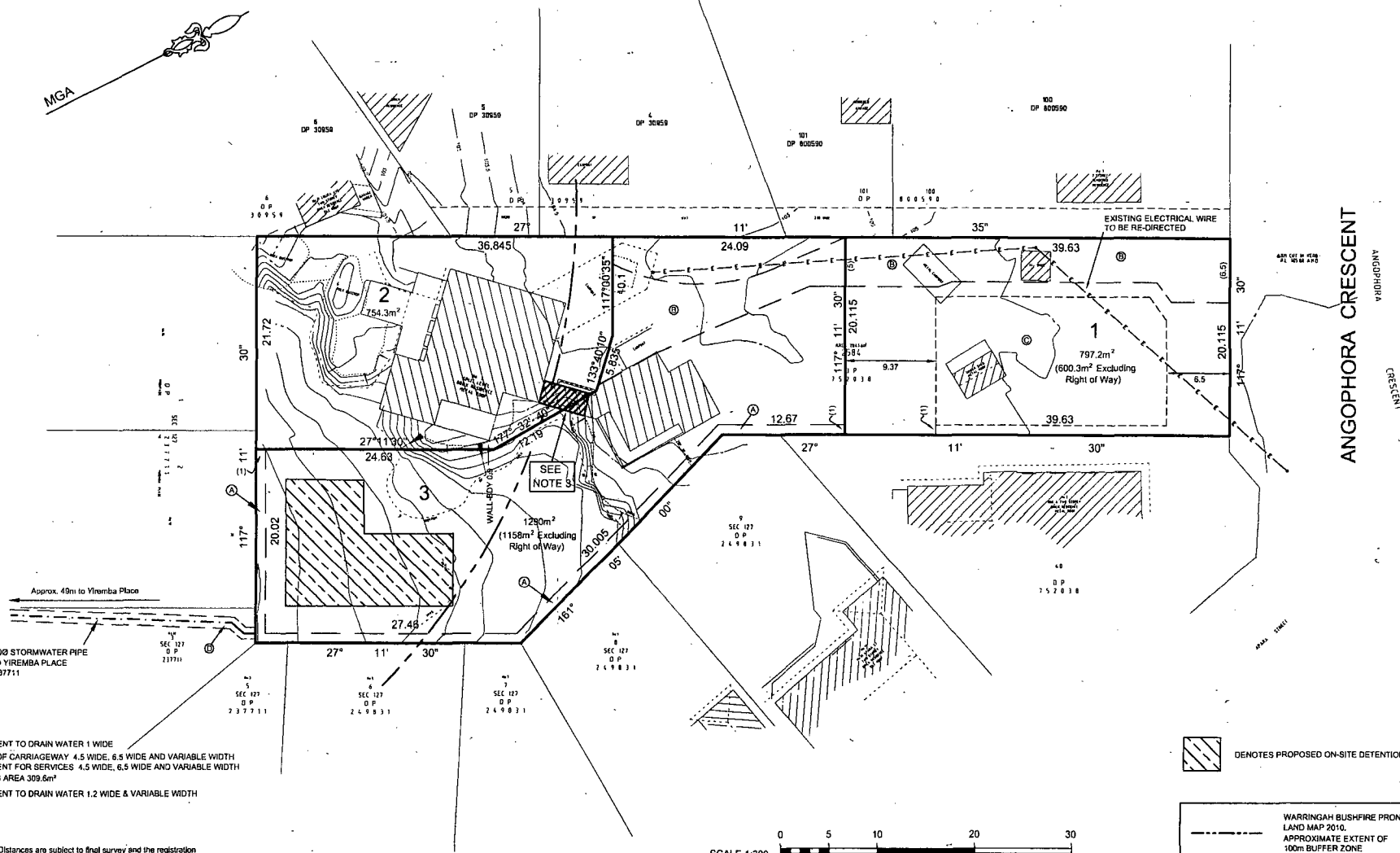
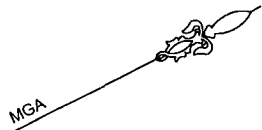
Reason: Minimum side setback requirements (DACPLHPS1)

39. **Building Envelope**

The building envelope for Lot 1 is to be reduced in area to maintain a 7.0m setback to Angophora Crescent and a 10.0m rear setback. The side setbacks for the building envelope may remain unchanged.

Details demonstrating compliance are to be provided with the plans for the Subdivision Certificate.

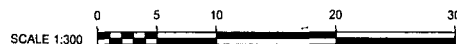
Reason: To provide compliant landscaped open space for a future dwelling (DACPLHPS2)



- Ⓐ PROPOSED EASEMENT TO DRAIN WATER 1 WIDE
- Ⓑ PROPOSED RIGHT OF CARRIAGEWAY 4.5 WIDE, 6.5 WIDE AND VARIABLE WIDTH
- Ⓒ PROPOSED EASEMENT FOR SERVICES 4.5 WIDE, 6.5 WIDE AND VARIABLE WIDTH
- Ⓓ POSSIBLE BUILDING AREA 309.6m²
- Ⓔ PROPOSED EASEMENT TO DRAIN WATER 1.2 WIDE & VARIABLE WIDTH

NOTES:-

- 1) Bearings, Areas & Distances are subject to final survey and the registration of the Deposited Plan.
- 2) The Detail Survey shown in light line type was not carried out by this company.
- 3) Breeze-way to be demolished to provide min. 0.9 clearance to Boundary to comply with S.C.A. Details to be provided at CC Stage.



⬮ DENOTES PROPOSED ON-SITE DETENTION AREA

WARRINGAH BUSHFIRE PRONE
LAND MAP 2010.
APPROXIMATE EXTENT OF
100m BUFFER ZONE

BURTON & FIELD
surveying & land development

All Correspondence to:
343 Hume Highway, Liverpool 2170
P.O.Box 242 Liverpool BC 1871 - DX 5020 Liverpool
Tel: (02) 9602-1199 Fax: (02) 9821-2620
Email: survey@burtonandfield.com.au

Suite 202, 2 Pembroke Street Epping 2121
P.O. Box 1150, Epping 1710 - DX 4413 Epping
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Web: www.burtonandfield.com.au

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CLIENT: ALICE SAMMUT

PROJECT: PLAN OF PROPOSED SUBDIVISION OF LOT 2584 IN DP 752038
5 ANGOPHORA CRESCENT, FORESTVILLE

LGA: WARRINGAH

DATUM: AHD

SCALE: 1:300

COMP REF: J:\61783\61783_SUB

REVISION

DRAWN: JC
CHECKED: SS

G	R.O.C. & BOUNDARIES AMENDED 2.4.13
F	R.O.C. & BOUNDARIES AMENDED 13.9.12
E	BODY OF LOTS 2 & 3 AMENDED 30.7.12
D	OSD & EASEMENT ADDED 26.7.2012
C	PIPE AT REAR ADDED
DATE: 2.1.2012	SIZE: A2
REF: E2384/61783	SHEET 1 OF 2