

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 22 April 2014

52 Queenscliff Road Queenscliff - Construction of a new dwelling house and swimming pool

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2014/0003
Responsible Officer:	Luke Perry
Land to be developed (Address):	Lot 10 DP 1168339 , 52 Queenscliff Road QUEENSCLIFF NSW 2096
Proposed Development:	Construction of a new dwelling house and swimming pool
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:	John Olaf Halverson Kathryn Mary Lamond
Applicant:	Peter Downes
Application lodged:	06/01/2014
Application Type:	Local
State Reporting Category:	Residential - Single new detached dwelling
Notified:	16/01/2014 to 31/01/2014
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	5
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 1,188,192

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 - B7 Front Boundary Setbacks

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - E10 Landslip Risk

SITE DESCRIPTION

Property Description:	Lot 10 DP 1168339 , 52 Queenscliff Road QUEENSCLIFF NSW 2096
Detailed Site Description:	The subject site consists of a single allotment located on the southern side of Queenscliff Road. The site is legally known as Lot 10 in DP1168339, No. 52 Queenscliff Road, Queenscliff. The site is regular in shape with a frontage of 9.56m along Queenscliff Road and a depth of 28.95m. The site has a surveyed area of 276.3m². The site is located within the R2 Low Density Residential zone and accommodates a single dwelling house on site. Surrounding development consists of a mix of low density, single dwelling houses and medium density residential development ranging from dual occupancy to residential flat buildings. The site falls approximately 5m over the length of the site from the street to the rear boundary. The site is identified as Landslip Risk Class B on Council Landslip Hazard Map. .

Map:



SITE HISTORY

DA2013/0608

Demolition works and Construction of a dwelling house and swimming pool
Lodged: 27/05/2013 (Withdrawn : 17/07/2013 by Delegated Authority)

The application was withdrawn after Council raised concerns in relation to the side boundary envelope breach, provision of landscaped open space and building bulk.

PLM2013/0096

Senior Staff - Demolition works, Construction of a new dwelling and swimming pool
Lodged: 05/08/2013 (11/09/2013 by Delegated Authority)

This meeting was held based on the advice of Council to discuss the concerns raised previously under DA2013/0608 which was withdrawn.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the demolition of an existing dwelling house and the construction of a new dwelling house and swimming pool.

Specifically the works include:

Lower Floor Level (RL 25.8 - RL 26.85)

- Guest bedroom;
- 2 bedrooms;
- Family room and bar;

- Bathroom; and
- Cellar

Ground Floor Plan (RL 28.8 - RL 29.68)

- Double garage;
- Entry and foyer;
- 2 bedrooms one with a walk in robe and ensuite;
- Bathroom and laundry; and
- Study

First Floor (RL31.8 - RL 32.325)

- Family room and balcony located off;
- Kitchen;
- Bathroom;
- Lounge/dining room; and
- Rear balcony

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)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the

Section 79C 'Matters for Consideration'	Comments
	building designer at lodgement of the development application. This Clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No additional information was requested. <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 fire safety upgrade of development). This Clause is not relevant to this application. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made	See discussion on “Public Exhibition” in this report.

Section 79C 'Matters for Consideration'	Comments
in accordance with the EPA Act or EPA Regs	
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 5 submission/s from:

Name:	Address:
Suzanne Plater	3 Greycliffe Street QUEENSCLIFF NSW 2096
Michaele Rose Somerville	54 Queenscliff Road QUEENSCLIFF NSW 2096
Michael James Melrose	1 / 50 Queenscliff Road QUEENSCLIFF NSW 2096
Benjamin Paul Toole	2 / 50 Queenscliff Road QUEENSCLIFF NSW 2096
Stephen James Rohr	27 Queenscliff Road QUEENSCLIFF NSW 2096

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

- **Loss of sunlight**
- **View Loss**
- **Privacy Impacts**
- **Non-compliance Building envelope and landscape controls**
- **Incorrect survey**
- **Devaluation of property**
- **Demolition Plan**

The matters raised within the submissions are addressed as follows:

- **Loss of sunlight**

Concern is raised in relation to overshadowing of adjoining properties as a result of the proposed development.

Comment:

The shadow diagrams provided by the applicant indicate that the development will not result in unreasonable overshadowing over the neighbouring residential properties. The level of

overshadowing to both neighbouring properties is consistent with the requirements of the D6 - 'Access to Sunlight' control of the Warringah Development Control Plan.

This matter does not warrant the refusal of the application.

- **View loss**

Concern is raised in relation to the loss of views from No. 1/50, No. 2/50, No. 54 and No. 27 Queenscliff Road.

Comment:

This matter is addressed elsewhere in this report (refer to Clause D7 - 'Views' under Warringah Development Control Plan).

In summary, it was found that the development achieved consistency with the planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140* and that the extent of qualitative impact upon view sharing is considered to be negligible to moderate and the proposal is reasonable in this instance.

This matter does not warrant the refusal of the application.

- **Privacy Impacts**

Concern is raised in regards to potential privacy impacts and overlooking occurring from the windows and rear balcony area on the eastern elevation of the proposed dwelling to the properties to the west of the site at No. 1/50 and No.2/50 Queenscliff Road and No.3 Greycliffe Street to the rear.

Comment:

The development has been designed having regard to maintaining a reasonable level of privacy between the subject site and adjoining properties. In addition to the physical separation provided between the development and adjoining buildings, a detailed analysis of the finished floor levels of the adjoining building at No. 50 Queenscliff Road reveals that the windows and balcony areas of this building are higher than that of the corresponding finished floor levels of the proposed development.

The finished floor levels of the proposed ground and first floors at the rear of the proposed building, are between 1.2 and 1.29m lower than that of finished floor levels of the ground and first floor levels of the adjoining building at No.50 Queenscliff Road.

In this regard, the windows located on the western elevation of No. 50 Queenscliff Road, are offset (sill heights are higher) from the windows and balcony areas located on the eastern elevation of the proposed building and therefore will not provide direct or close overlooking of the adjoining properties. The rear balcony is open in nature to allow for a view corridor to be maintained across the site from both the eastern and western elevations. The privacy screening located on the eastern and western most projections of the rear balcony has been stepped to allow for a reasonable level of privacy, view sharing and amenity to be maintained.

In addition to the physical separation between the adjoining lands at the rear, landscaping, consisting

of a mix of native and exotic species which reach a mature height of between 1m and 3m are provided within the rear boundary setback area which will further act to provide privacy screening to the rear adjoining lands.

Given the proposed setbacks, the provision of landscaping and the design and location of window and balcony openings, it is considered that the development does not result in any unreasonable privacy impacts or unreasonable overlooking of the adjoining properties.

This matter does not warrant refusal of the application.

- **Non-compliance Building envelope and landscape controls**

Concern is raised in relation to the development's non-compliance with the Side Boundary Envelope and Landscape Open Space controls.

Comment:

This matter is addressed in detail elsewhere in this report (refer to B3 - 'Side Boundary Envelope' and 'D1 - Landscaped Open Space' in the Warringah Development Control Plan).

In summary, it was found that the development achieved consistency with the underlying objectives of the control and the zone and that the variation was supported.

This matter does not warrant the refusal of the application.

- **Incorrect survey**

Concern is raised in relation to the misrepresentation of the submitted survey.

Comment:

The development application includes a survey prepared by 3D Surveying and dated 20/10/2011, which is deemed to be accurate as it has been prepared in accordance with requirements of Council's Development Application checklist and prepared by a registered surveyor.

This matter does not warrant refusal of the application.

- **Devaluation of property**

Concern is raised in regards to the devaluation of adjoining properties as a result of the proposed development.

Comment:

The valuation/devaluation of property is not a valid planning consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

This matter does not warrant the refusal of the Development Application

- **Demolition Plan**

Concern is raised in relation to the potential damage to the western stairs on the adjoining property at No. 50 Queenscliff Road.

Comment:

This matter is concurred with and addressed by a condition included in the recommendation of this report.

It should be noted that the submitted landscape plan illustrates that the existing retaining wall and stairs between the site and No. 50 Queenscliff Road is to be retained. However, it is considered necessary, given the proximity of the stairs and buildings to each other, to impose a condition that requires a photographic survey of adjoining properties (being No. 1/50 and No. 2/50 Queenscliff Road) detailing the physical condition of those properties, both internally and externally, is to be prepared prior to the commencement of any works and at the completion of works and prior to any occupation of the building to ensure no damage has resulted to the adjoining properties. If damage is identified, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s prior to a final Occupation Certificate being issued with all costs borne by the person entitled to act on any consent issued.

This matter does not warrant the refusal of the application

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	The proposed development does not require on-site stormwater detention (OSD). The applicant's engineer has indicated that the stormwater from the development is to be connected via an easement through the downstream property. There is a letter on file indicating agreement for the easement however there is no drainage plan and the easment has yet to be created. As such deferred commencement conditions will be required for these issues. The driveway crossing has been assessed and is considered to be satisfactory. The applicant has indicated a new pathway in the nature strip connecting to the existing footpath. This will require an application under Council's minor encroachments policy. No objection to approval, subject to conditions as recommended.
Landscape Officer	No objections tot he proposed works subject to conditions as

Internal Referral Body	Comments
	recommended.
Road Reserve	There is an existing sag point on the road reserve between No.50 and No.52 Queenscliff Road. Some water may be trapped in the areas due to the surface runoff. The applicant proposes to fill the road reserve in front of the property frontage in order to build a new driveway crossing and garage at the boundary. The new driveway and filling areas shall not increase the surface runoff significantly. Therefore, Road Assets has no objection to the proposed development.

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 sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites, although some landscape features were considered to have potential. Given the above, the AHO considers that there are no Aboriginal heritage issues for the proposed development.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.522828S dated 28 December 2013).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	40	40

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	8.5m	N/A	Yes

Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	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
B1 Wall height	7.2m	7.1m	N/A	Yes
B3 Side Boundary Envelope	5m	Eastern elevation: Breach of a maximum height of 1.2m for a maximum length of 6.45m	N/A	No
		Western Elevation: Breach of a maximum height of 1.7m for a maximum length of 12.1m	N/A	No
B5 Side Boundary Setbacks (East)	0.9m	Lower Floor: 1.225m - 2m	N/A	Yes
		Ground Floor: 1.225m - 2m	N/A	Yes
		First Floor: 0.925m - 2.025m	N/A	Yes
B5 Side Boundary Setbacks (West)		Lower Floor: 0.9m	N/A	Yes
		Ground Floor: 0.9m	N/A	Yes
		First Floor: 0.9 - 1.6m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	4.5m	30.76%	No
B9 Rear Boundary Setbacks	6m	6m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	28.04% (77.5m ²)	29.87% or 33.02m ²	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	N/A	N/A
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
All other land under R2	Yes	Yes
Rear Boundary Exceptions - R2	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	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
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The control allows for a building to be located within a building envelope of 4m and 45 degrees.

The proposed development breaches the side boundary envelope on the:

Eastern elevation:

- Breach of a maximum height of 1.2m for a maximum length of 6.45m

Western Elevation:

- Breach of a maximum height of 1.7m for a maximum length of 12.1m

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:

Notwithstanding the technical non compliance with the control, the variation is considered satisfactory as the first floor of the development provides compliant setbacks to the side and rear boundaries and a setback to the front boundary that is consistent with surrounding development. The proposed front boundary setback is greater than that of the existing dwelling which reduces the bulk and scale of the development when viewed from adjoining properties.

The building is setback 4.5m from the front boundary, between 0.925m to 2.025m from the eastern side boundary and between 0.9m and 1.6m off the western side boundary.

The first floor of the building provides articulation in the form of varying setbacks and large open balcony areas to further reduce the bulk of the building when viewed from adjoining properties.

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

Comment:

The proposed development allows for a reasonable level of amenity, solar access and privacy to be obtained from adjoining or nearby dwellings. Adequate spatial separation is achieved between buildings to ensure no unreasonable overlooking occurs.

Submitted shadow diagrams demonstrate that a minimum of 50% of the adjoining properties private open space achieves a minimum of 3 hours sunlight during the hours of 9am to 3pm on June 21.

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

Comment:

The development responds to the sloping topography of the site. Areas of excavation are proposed to provide the basement floor level however, the building is progressively stepped as sites falls to the rear therefore responding to the topography of the site.

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.

B7 Front Boundary Setbacks

Description of non-compliance

The control requires a minimum front boundary setback of 6.5m. The proposed development is setback 4.5m from the front boundary.

Merit consideration:

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

- *To create a sense openness.*

Comment:

The existing dwelling is located 3.5m from the front boundary of the site, the double garage is located approximately 300mm from the front boundary. The proposal increases the front boundary setback to a minimum of 4.5m.

In this regard, the setback of the proposed development improves the sense of openness across the site from what is existing and is consistent with that of surrounding development in the area.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The predominant building setback to the front boundary along this section of Queenscliff Road varies. However, the majority of buildings, whether that be buildings (residential) or ancillary buildings such as garages, are located within the minimum front boundary setback of 6.5m. This is largely due to the sloping topography of the area which predominantly falls south from the Queenscliff ridgeline to Queenscliff Beach south of the subject site.

The existing garage is located 300mm from the front boundary and the dwelling is located 3.5m from the front boundary.

In this regard, the proposed development is located 4.5m from the front boundary which is consistent with surrounding development in the area. The increased setback to the building allows for increased and additional landscape elements to be provided within the front setback area and therefore the development is considered to maintain the visual continuity and pattern of buildings in landscape elements.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

As discussed above, the sloping topography of the local area has resulted in buildings and ancillary buildings such as garages to be located within the front setback with predominant front setback of this section of Queenscliff Road varies with the majority of buildings located within the 6.5m front boundary setback.

In this regard, the proposed development provides an increased setback to the front boundary from that of the existing dwelling house and garage. The proposal allows for landscape elements to be provided within the front boundary setback and increases the setback from the existing buildings and provides additional landscaping within the front setback that improves visual quality of the Queenscliff Road streetscape.

- *To achieve reasonable view sharing.*

Comment:

The development allows for a reasonable sharing of views.

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.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The control requires a minimum of 40% of the total site area to be landscaped open space. The existing provision of landscaped open space on site is 21.09% or 58.276m².

The proposed development provides 28.04% of the total site area as landscaped open space a variation of 29.87% or 33.02m².

The proposed development results in a net increase in landscaped open space of 17.39% or 19.224m².

Merit consideration

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

- *To enable planting to maintain and enhance the streetscape.*

Comment:

As previously discussed, the proposed development provides an increased setback to the front boundary from what is existing.

The landscape plan submitted with the application (refer to Landscape Plan Issue B prepared by iScale Landscape Architecture and dated 12 December 2013), indicates that the front, side and rear setback areas will provide landscaping which will act to maintain and enhance the local character, streetscape and improve and soften the visual appearance of the development through a mix of small shrubs and small to medium sized trees.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The site has been altered over the residential history of the allotment. There are no threatened species, significant topographical features or vegetation identified on site. The landscape plan indicates substantial landscape planting to be introduced to the site in particular within the front setback. The planting is considered to be a significant improvement and an overall increase on the existing provision.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The proposed planting to be located within the front, side and rear setback areas includes a mix of shrubs and small to medium sized trees which achieve a mature height of between 1m to 4m. The location of the trees around the perimeter of the site and within the front and rear setback areas, softens the bulk of the building and, given the proposed heights and canopy spreads, will be of scale and density commensurate with the proposed building height, bulk and scale.

- *To enhance privacy between buildings.*

Comment:

The development includes areas of significant landscaping located within the rear and front boundary setbacks which, in-conjunction with the spatial separation provided between buildings will provide adequate privacy screening within this established residential area. The landscape plan indicates small to medium sized trees to be planted around the perimeter of the site which achieve a height of between 1m to 4m at maturity which will provide adequate screening of the development to the surrounding adjoining allotments, in particular, those south and downslope of the subject site.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The proposed development will provide adequate areas of opportunity for outdoor recreation for the dwelling occupants. The rear setback area is largely landscaped providing a private open space area for the use of dwelling occupants and includes a swimming pool.

- *To provide space for service functions, including clothes drying.*

Comment:

The plans do not indicate any areas allocated at ground level specifically for clothes drying. However, it is considered sufficient area available for service functions such as clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The proposal has been reviewed by Council's Development Engineer, having regard to provisions for stormwater management and has raised no objections to the proposed stormwater system subject to conditions included in the recommendation of this report.

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.

D7 Views

Merit Consideration

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

1. Nature of the views affected

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

Comment to Principle 1:

No. 1/50 Queenscliff Road

The views affected from this property are partially obstructed views of Manly Lagoon west of the property. These views are considered to be of low value given the partial obstruction of the view and the retention of partial land and water interface and ocean views (Queenscliff, North Steyne and Manly beaches) maintained directly south and south-east of the property.

No. 2/50 Queenscliff Road

The views affected from this property are of Manly Lagoon west of the property. These views are considered to be of low to moderate value given the retention of partial land and water interface and ocean views (Queenscliff, North Steyne and Manly beaches) maintained directly south and south-east of the property.

No. 54 Queenscliff Road

The views affected from this property are partially obstructed ocean views and partial land and water interface views of North Head south east of the property.

No. 27 Queenscliff Road

The views affected from this property are heavily obstructed views of Queenscliff Beach. No ocean views are affected.

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

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

Comment to Principle 2:

No. 1/50 Queenscliff Road

Views are obtained across a side boundary to the west from a standing position only from a balcony.

No. 2/50 Queenscliff Road

Views are obtained across a side boundary to the west from a standing position only on a balcony and from a standing and sitting position from the dining room window located on the western elevation of the building.

No. 54 Queenscliff Road

Views are obtained across a side boundary to the south-east from a sitting (heavily obstructed) and standing position from the main bedroom and balcony off the main bedroom.

No. 27 Queenscliff Road

Views are obtained over a front boundary and road south-east of the property from a family room.

3. Extent of impact

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

Comment to Principle 3:**No. 1/50 Queenscliff Road**

The extent of view loss is considered to be negligible to moderate given the existing views are partially obstructed and the retention of partial land and water interface and ocean views (Queenscliff, North Steyne and Manly beaches) maintained directly south and south-east of the property.

No. 2/50 Queenscliff Road

The extent of view loss is considered to be nil to negligible. This is based upon a detailed analysis of the finished floor levels of this property in comparison with the proposed finished floor levels of the proposed dwelling at No. 52 Queenscliff Road.

In this regard, it is expected that the majority of views of the Manly Lagoon which are obtained to the west of the site, will be retained as the location and height of the proposed building will allow for views to be obtained across the proposed open rear balcony and across the roof line of the proposed building from the dining room window.

It is noted that there will be a minor view loss or obstruction of view of the Manly Lagoon from the dining room window, however the majority of view is expected to be retained.

Further, it is considered that the extent of impact is nil to negligible due to the retention of partial land and water interface and ocean views (Queenscliff, North Steyne and Manly beaches) maintained directly south and south-east of the property.

No. 54 Queenscliff Road

The extent of view loss is considered to be negligible to moderate. The partially obstructed ocean views and partial land and water interface views of North Head south east of the property are expected to be reduced to a minor extent. However, views to the west of Manly Lagoon and the primary view directly south of land and water interface views of Queenscliff, North Steyne and Manly beaches will be retained.

No. 27 Queenscliff Road

The extent of view loss is considered to be negligible due to the fact that the views are obtained across a front boundary and road reserve. View corridors to the south-east of the ocean will be maintained and therefore the loss of view is considered to be negligible.

4. Reasonableness of the proposal that is causing the impact

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

Comment to Principle 4:

The development maintains compliance with the Height of Buildings Development Standard of 8.5m and compliance with the minimum rear and side boundary setback requirements of the WDCP.

The proposal has been designed to respond to the available views and view corridors through the provision of appropriate view corridors, open balcony structure and maintaining a building height and building setbacks that allows for valuable view corridors to be maintained across the width of the site and not result in any impact on the highly valued views obtained from the adjoining properties.

As detailed within Clause 'B3 Side Boundary Envelope' under the WDCP section of this report, the envelope breach does not result in any loss or disruption of view and is supported in this instance.

Overall, the proposal is considered appropriate for the site and acceptable in this instance

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.

E10 Landslip Risk

The site is identified as Landslip Risk Class B on Council's Landslip Risk Map.

In accordance with Council's Checklist a preliminary geotechnical assessment report is required to be submitted with a development application.

Due to the amount of excavation proposed as part of the development, a full Geotechnical Assessment prepared by Martens Consulting Engineers and dated December 2013 has been submitted with the application. The assessment deems the site satisfactory for the development subject to the compliance with recommendation and requirements made within the report.

A condition has been included in the recommendation of this report requiring compliance with all recommendation and requirements contained within the report.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 1,188,192		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 11,288
Section 94A Planning and Administration	0.05%	\$ 594
Total	1%	\$ 11,882

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.

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 of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2014/0003 for Construction of a new dwelling house and swimming pool on land at Lot 10 DP 1168339,52 Queenscliff Road, QUEENSCLIFF, subject to the conditions printed below:

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

DEFERRED COMMENCEMENT CONDITIONS

1. Stormwater Drainage Easement

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be via an easement through the downstream property(s). The easement is to be created under Sections 88B, and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the creation of the easement in order to activate the consent.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA02)

2. Stormwater Drainage Design

Plans indicating all engineering details relevant to the interallotment drainage line through the downstream property must be submitted to Council for written approval. Stormwater must be conveyed by gravity from the site to the kerb in Greycliffe Street. All proposals must be in accordance with Warringah Council's Stormwater Drainage Design Guidelines for Minor Developments.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA04)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

3. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1024-101 Site Plan	04/12/13	Peter Downes Designs
1024-102 Lower Floor Plan	04/12/13	Peter Downes Designs
1024-103 Ground Floor Plan	04/12/13	Peter Downes Designs
1024-104 Proposed First Floor Plan	04/12/13	Peter Downes Designs
1024-105 Proposed North & South Elevation	04/12/13	Peter Downes Designs
1024-106 Proposed West Elevation	04/12/13	Peter Downes Designs
1024-107 Proposed East Elevation	04/12/13	Peter Downes Designs
1024-108 Proposed Section A-A & Driveway Profile	04/12/13	Peter Downes Designs
1024-109 Proposed Section B-B & C-C	04/12/13	Peter Downes Designs
1024-110 Proposed Roof Plan	04/12/13	Peter Downes Designs
Schedule of External Finishes	Undated	Unknown

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment	December 2013	Martens Consulting Engineers

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan Revision B	12/12/13	iScape Landscape Architecture

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

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

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

Other Department, Authority or Service	eServices Reference	Dated
Aboriginal Heritage Office	Response AHO Referral	20/01/2014

(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)

5. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is

being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

6. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.)
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed 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.
- (l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan	
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Contribution based on a total development cost of \$ 1,188,192		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 11,288
Section 94A Planning and Administration	0.05%	\$ 594
Total	1%	\$ 11,882

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

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

8. **Bonds**

Security Bond

A bond (determined from cost of works) of \$2,000 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.

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

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

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

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

9. **Stormwater Disposal**

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank in accordance with the BASIX certificate. Stormwater shall be conveyed from the site to the kerb in Greycliffe St via an interallotment drainage line through the downstream property.

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

Reason: To ensure appropriate provision for disposal and stormwater management and compliance with the BASIX requirements, arising from the development. (DACENC07)

10. **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)

11. **Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in 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 suitable vehicular access to private property. (DACENC13)

12. **Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

13. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENC05)

14. **Application for Proposed Footpath in Nature Strip**

The applicant is to apply to Council for approval to construct the proposed footpath between the front boundary of the property and the existing Council footpath in the nature strip adjoining the site in

accordance with Council's Encroachment/Construction & Roads Reserve Lease Policy (Policy No. GOVPL 825). All costs associated with the application are to be borne by the applicant.

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

Reason: Ensure compliance with Council's Encroachments/Constructions and Road Reserve Lease Policy (DACENCPC3)

15. **Trees and / or Landscaping**

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

(a) Existing trees which must be retained

(i) All trees not indicated for removal on the approved plans.

(ii)

Species	Location
2 x <i>Phoenix canariensis</i>	Queenscliff Road road verge in front of the property

(b) Trees which may be transplanted within the site

The following tree may be transplanted and established elsewhere within the development site.

Species	Location
<i>Plumeria rubra</i> (Frangipani)	Rear yard

(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.

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. (DAKLAC01)

16. **External Finishes to Roof**

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

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

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

17. **Sewer / Water Quickcheck**

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

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

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

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

18. **Dilapidation Survey**

A photographic survey of adjoining properties (being No.1/50 and No. 2/50 Queenscliff Road) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited. (DACPLCPCC2)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. **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

20. **Vehicle Crossings**

The provision of one vehicle crossing 5 metres wide in accordance with Warringah Council Drawing No A4-3330/3 NL and specifications. The road reserve adjoining the vehicle crossing shall be battered and turfed at a maximum of grade 1V : 6H. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. 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)

21. **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)

22. **Layback Construction**

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

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

23. **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)

24. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

25. **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)

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

26. **Stormwater Disposal**

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

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

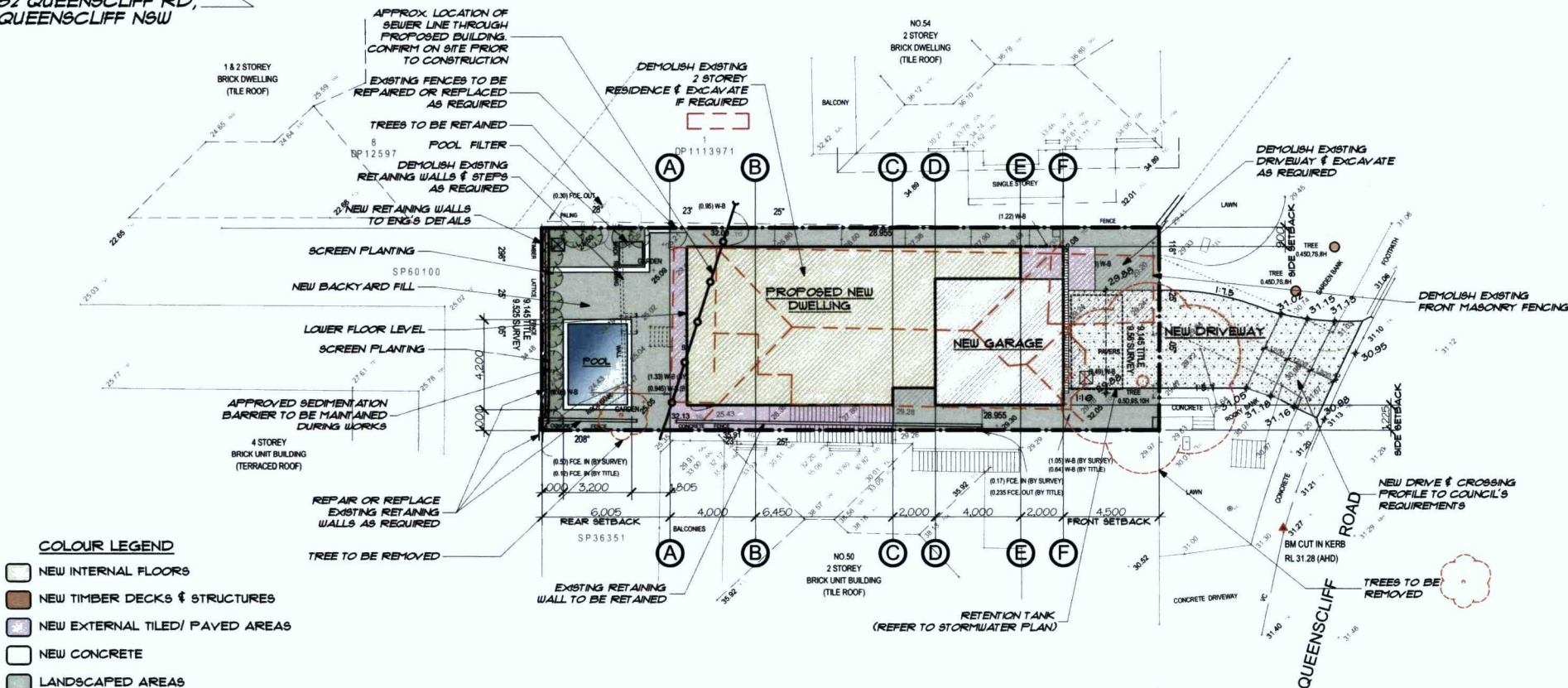
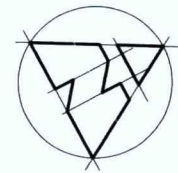
Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

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



52 QUEENSCLIFF RD,
QUEENSCLIFF NSW



- COLOUR LEGEND**
- NEW INTERNAL FLOORS
 - NEW TIMBER DECKS & STRUCTURES
 - NEW EXTERNAL TILED/ PAVED AREAS
 - NEW CONCRETE
 - LANDSCAPED AREAS
 - EXISTING STRUCTURES
- N.B. LEGEND COLOURS ARE NOT INDICATIVE OF ACTUAL SITE MATERIAL COLOURS OR FINISHES

REVISION

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BUILDING DESIGNERS AUSTRALIA NSW

PROJECT PROPOSED NEW DWELLING AT NO. 52 QUEENSCLIFF RD, QUEENSCLIFF NSW FOR KATHRYN LAMOND & OLE HALVERSON	DRAWN L TREVENA	CHECKED P. DOWNES
	SCALE 1:200	DATE 4/12/13
	DRG. NO. A3 1024 - 101	
DRAWING PROPOSED SITE PLAN		



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PROJECT PROPOSED NEW DWELLING
AT NO. 52 QUEENSCLIFF RD,
QUEENSCLIFF NSW
FOR KATHRYN LAMOND & OLE HALVERSON

DRAWING

PROPOSED NORTH & SOUTH
ELEVATION

DRAWN
L TREVENA

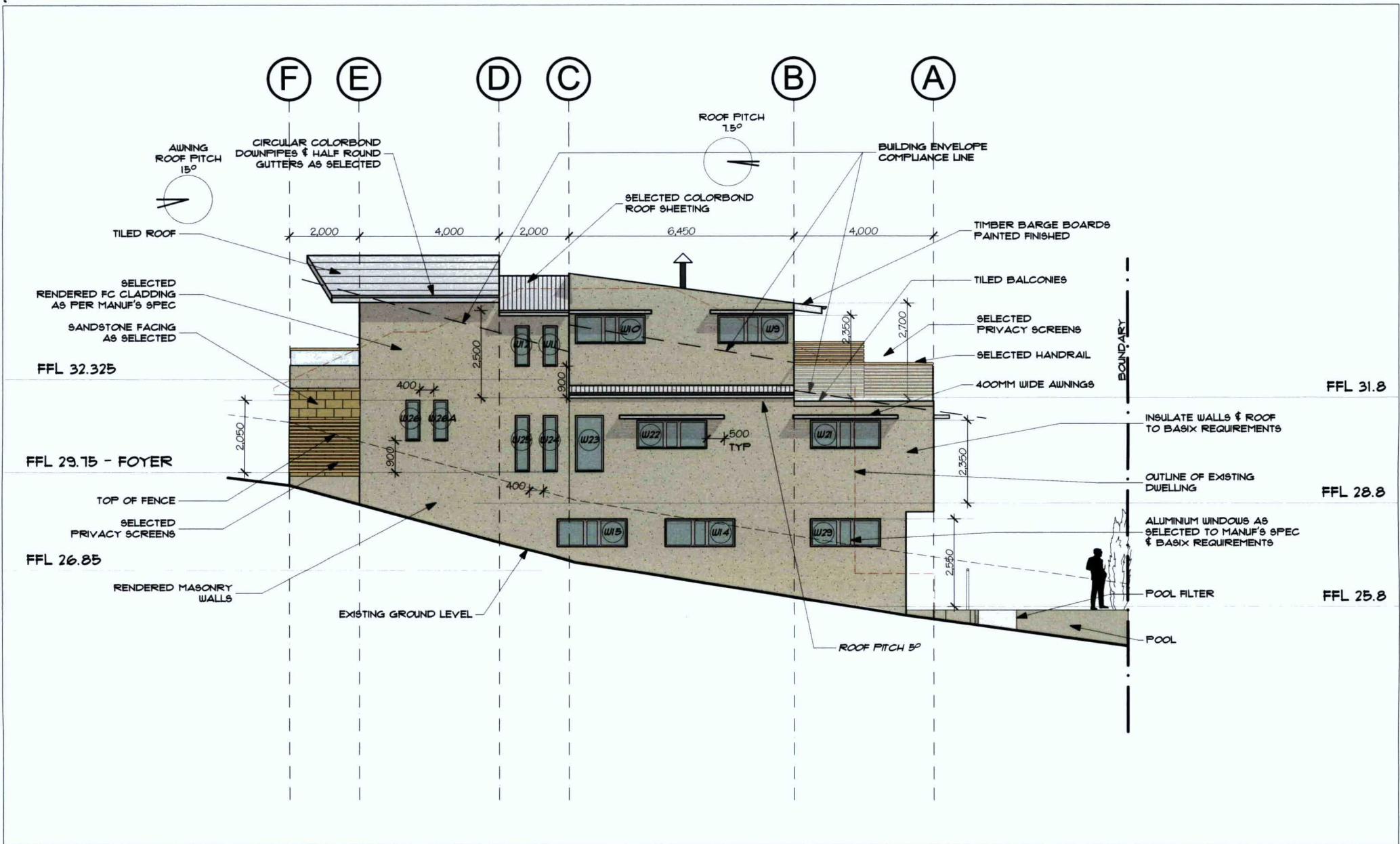
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1:100

DATE
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			DRAWING PROPOSED WEST ELEVATION		SCALE 1:100	DATE 4/12/13
					DRG. NO. A3	1024 - 106