

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 05 February 2015

34 Wyuna Avenue Freshwater - Alterations and Additions to a Dwelling House

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2014/1207
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Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot 12 DP 7103 , 34 Wyuna Avenue FRESHWATER NSW 2096
Proposed Development:	Alterations and Additions to a Dwelling House
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Lynn Elwyn Dixon
Applicant:	Lynn Elwyn Dixon

Application lodged:	13/11/2014
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	18/11/2014 to 03/12/2014
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	5
Recommendation:	Approval

Estimated Cost of Works:	\$ 280,000
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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 Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D7 Views

SITE DESCRIPTION

Property Description:	Lot 12 DP 7103 , 34 Wyuna Avenue FRESHWATER NSW 2096
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Wyuna Avenue. The site is legally known as Lot 12 in DP 7103, No. 34 Wyuna Avenue FRESHWATER. The site is regular in shape with a frontage of 12.19m along Wyuna Avenue and a depth of 45.55m. The site has a surveyed area of 550.1m² (measurements taken from survey). The site is located within the R2 zone and accommodates a one storey residential dwelling and carport. Surrounding development consists of single residential dwellings and residential flat buildings of one, two and three storeys, in a mix of architectural styles. The site slopes 2.3m from the north west boundary on Wyuna Avenue towards the rear south west boundary.

The site has trees planted along the western boundary and has no known threaten species.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for Alterations and Additions to an existing dwelling including:

- First floor addition - master bedroom with ensuite, walk in robe, sitting and balcony, two bedrooms and bathroom
- Entry portico on ground floor
- Internal alterations - new staircase, new pantry, laundry and shower.

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 '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, 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 matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the

Section 79C 'Matters for Consideration'	Comments
	proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

Name:	Address:
Mr Scott Michael Fitzsimmons	3 / 32 Wyuna Avenue FRESHWATER NSW 2096
Chad Wiley Sheppard	4 / 32 Wyuna Avenue FRESHWATER NSW 2096
James Henry Goodwin	2 / 32 Wyuna Avenue FRESHWATER NSW 2096
Ms Anna Maree Easson	12 Hillcrest Road EMPIRE BAY NSW 2257
Bernard Lawrence Underwood	6 / 32 Wyuna Avenue FRESHWATER NSW 2096

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

- Privacy
- Over shadowing and solar access
- Building envelope
- Building height
- View loss

The matters raised within the submissions are addressed as follows:

- Privacy

The submission raised concerns that privacy would be lost from 4/32 Wyuna Avenue, Freshwater due to the first floor addition.

Comment:

The locations of the windows on the first floor addition have been taken into consideration by the applicant. The proposed windows will not be directly facing any windows of adjoining properties and are for non-habitable windows - bathroom, ensuite and stair well. The proposal is not considered to have an unreasonable impact on the privacy of the adjoining properties.

- Overshadowing

The submission raised concern with loss of afternoon sunlight to No. 2/32 Wyuna Avenue, 3/32 Wyuna Avenue, 4/32 Wyuna Avenue, 5/32 Wyuna Avenue and 6/32 Wyuna Avenue Freshwater.

Comment:

While overshadowing to the adjoining properties will increase and may occur earlier in the day, the proposal will not result in the overshadow of the adjoining dwellings for more than the required three hours between 9am and 3pm on June 21. The shadow diagrams submitted with the application confirm that the development will achieve the requirements of clause D6 Access to Sunlight of the Warringah DCP 2011.

- Building Envelope

The submission from 4/32 Wyuna Avenue raised concern that the proposed first floor addition does not comply with the B3 Side Boundary Envelope control.

Comment:

This issue has been addressed in detail under B3 Side Boundary Envelope in this report.

- Building Height

The submissions raised concern that the proposed first floor addition does not comply with the 4.3 Buildings Height of the WLEP2011 and will have an adverse effect on 2/34 Wyuna Avenue, 3/32 Wyuna Avenue, 4/32 Wyuna Avenue, 5/32 Wyuna Avenue and 6/32 Wyuna Avenue.

Comment:

The issue has been addressed in detail under 4.6 Height of Buildings in this report.

- View Loss

The submissions raised concern with loss of views from No. 2/32 Wyuna Avenue, 3/32 Wyuna Avenue, 4/32 Wyuna Avenue, 5/32 Wyuna Avenue and 6/32 Wyuna Avenue, Freshwater.

Comment:

This issue has been addressed in detail under D7 Views in this report. In summary, the proposal breaches the 8.5m height limit and does not comply with the side boundary envelope on the western elevation. The encroachments of the height and side boundary envelope are due to the sloping nature of the site. The height breach occurs at the rear of the proposal and will have very little effect on the views from the adjoining properties.

At the DU meeting held on 22 January 2015 it was decided that a condition would be included in the consent to reduce the pitch of the roof so that the proposal would not exceed the 8.5m height limit as specified in the WLEP 2011.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	No development engineers objection to the proposed development subject to conditions.

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A202970 dated 10 November 2014).

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
Height of Buildings:	8.5m	8.79m	3.41%	No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No

Clause	Compliance with Requirements
	(see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

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

Requirement:	8.5m
Proposed:	8.79m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	3.41%

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

Is the planning control in question a development standard?

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

What are the underlying objectives of the development standard?

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

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

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

Comment:

The breach in the building height is minor and is a result of the sloping site conditions. The

development site has a two storey dwelling on the western boundary and a three storey residential flat building on the eastern boundary. The proposed building height and scale is compatible with the height and scale of the surrounding and nearby development.

The proposal received five submissions expressing concern about the breach in the 8.5m height limit. At the Development Unit Meeting held on the 22 January 2015, it was decided that a condition would be added to the report to reduce the overall height of the building to 8.5m. This condition will be included in the recommendation of this report.

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

Comment:

Given that a condition will be added to the recommendation of this report to reduce the height limit to 8.5m, the proposal will meet this objective.

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

Comment:

Given that a condition will be added to the recommendation of this report to reduce the height limit to 8.5m, the proposal will meet this objective.

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

Comment:

Given that a condition will be added to the recommendation of this report to reduce the height limit to 8.5m, the proposal will meet this objective.

What are the underlying objectives of the zone?

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

The underlying objectives of the R2 Low Density Residential zone:

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

Comment:

The proposed new dwelling will contribute to the housing needs of a low density residential environment and is compatible with other land uses within the R2 Low Density Residential environment.

It is considered that the development satisfies this objective.

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

Comment:

The proposed development will continue to enable other land uses that provide facilities of services to meet the day to day needs of the residents.

It is considered that the development satisfies this objective.

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

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

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

Comment:

The proposal seeks to vary Clause 4.3 - Height of Buildings development standard. In doing so the variation provides an appropriate degree of flexibility.

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

Comment:

Given that a condition will be added to the recommendation of this report to reduce the height limit to 8.5m, the proposal will meet this objective.

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

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

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

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

Comment:

The applicant has provided a written request which adequately justifies the contravention of the development standard, Clause 4.3 - Height of Buildings.

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

(a) the consent authority is satisfied that:

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

Comment:

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

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

Comment:

Given that a condition will be added to the recommendation of this report to reduce the height limit to 8.5m, the proposal will meet this objective..

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

Comment:

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

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.07m	N/A	Yes
B3 Side Boundary Envelope	5m	West Elevation: height of nil to 0.9m for a length of 13.7m	N/A	No

B5 Side Boundary Setbacks	0.9m	1.11m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	Existing 6.23m	N/A	No
B9 Rear Boundary Setbacks	6m	Proposed 25.85m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Existing 36.72%	Existing 8.2%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
Front Boundary Setbacks - R2	No	Yes
R2 - All other land in R2 Zone	No	Yes
Front Boundary Exceptions - All Zones	Yes	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	No	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
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	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 on the west elevation for a length of 15m and a height of nil to 0.7m.

The control states that the building must be sited within the building envelope determined by projection planes at 45 degrees from a height above the ground level at the side boundaries of 5m.

Merit consideration

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

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

Comment:

The proposed addition complies with the side, rear and maintains the existing front setbacks. The proposal is similar to other two storey dwellings in the vicinity. Therefore the breach of the side boundary envelope will not result in the development becoming visually dominant by virtue of its height and bulk.

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

Comment:

The proposed development ensures adequate light, solar access and privacy is obtained between dwellings. The proposal provides adequate and compliant setbacks to the rear, side and maintains the existing side and front setbacks to the boundaries. The proposal complies with the requirements of the D6 - Access to Sunlight control and has been designed so that there is no unreasonable impact on the privacy of the adjoining properties. The placement of the windows on the second storey has been considered and there is adequate separation between the proposed development and habitable areas of the adjoining properties.

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

Comment:

The site slopes from the north west street frontage to the rear south west boundary (RL 21.58 - RL 19.28). The boundary encroachment reflects the slope of the land on the site. The proposal responds appropriately 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 front boundary is breached by 0.27m.

The control states that the front boundary setbacks are to be 6.5m and should be free and clear of structures.

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 of openness.*

Comment:

The proposed first floor addition will be built over the existing ground floor footprint. The proposal will be consistent with the front boundary setbacks of the adjoining dwellings. There are no other structure within the front setback and the proposal will not unreasonably affect the sense of openness within the front boundary setback.

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

Comment:

The proposed second floor addition will be consistent with the front boundary setbacks of the adjoining properties. In this regard, the proposal will maintain the visual continuity and pattern of buildings and the landscape elements of Wyuna Avenue.

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

Comment:

The proposed second floor addition will be consistent with the front boundary setbacks of the adjoining properties. The proposal will protect and enhance the visual quality of Wyuna Avenue's streetscape and public spaces.

- *To achieve reasonable view sharing.*

Comment:

The proposed alteration will not unreasonably affect the sharing of views from the adjoining properties.

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.

C3 Parking Facilities

Description of non-compliance

The proposal is for alterations and additions of a dwelling housing including a first floor addition, minor internal works and creation of an entry portico. The site currently contains one informal car parking space under the carport on the eastern boundary. The location of the entry portico on the eastern boundary will result in the existing carport being no longer usable as a car parking space. The applicant of the proposal has not provided information on where alternate car parking will be provided on the site.

The control states that two car parking spaces are required per Dwelling House.

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 adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1	Required	Provided	Difference (+/-)
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	Calculation			)
Dwelling House	2 Spaces per dwelling	2	0	-2

Currently the site is serviced by one (1) car space, in a carport adjacent the eastern boundary of the site. The proposal includes a new entry that is to be forward of the existing carport, effectively blocking access to Wyuna Avenue. This will result in the loss of the off street parking space and therefore cannot be supported. It is recommended that a condition deleting the entry be included in the consent. This will retain the existing car space and given that the proposal will not increase the number of bedrooms currently on the site (3), the retention of this one existing space is acceptable, subject to condition.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

A condition will be included in the consent to delete the entry portico and stairs and retain the existing entrance to the dwelling. This will allow the existing carport to be retained as a off street car parking space.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

As discussed above the existing carport will remain as is.

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

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

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

Comment:

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:

Five submissions have been received raising concerns about loss of views. None of the submissions received provided specific examples of the views that they would be losing. However, a inspection conducted by the assessing officer established that the following views from each affected unit are as follows:

2/32 Wyuna Avenue

Has views from the living room of vegetation and the eastern wall and roof of 34 Wyuna Avenue.

3/32 Wyuna Avenue

Has views from the living room to the street including heritage listed street trees, views of the roof of 34 Wyuna Avenue, 36 Wyuna Avenue and 38 Wyuna Avenue and vegetation to the south.

4/32 Wyuna Avenue

Has views from the living room to the street including heritage listed street trees, views of the roof of 34 Wyuna Avenue, 36 Wyuna Avenue and 38 Wyuna Avenue and vegetation to the south.

5/32 Wyuna Avenue

Has views from the living room to the street including heritage listed street trees, views of the roof of 34 Wyuna Avenue, 36 Wyuna Avenue and 38 Wyuna Avenue and vegetation to the south.

6/32 Wyuna Avenue

Has views from the living room to the street including heritage listed street trees, views of the roof of 34 Wyuna Avenue, 36 Wyuna Avenue and 38 Wyuna Avenue and vegetation to the south.

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:

Five submissions have been received raising concerns about loss of views. The views from each affected unit are as follows:

2/32 Wyuna Avenue

The affected views are across the side boundary and are from a sitting and standing position.

3/32 Wyuna Avenue

The affected views are across the side boundary and are from a sitting and standing position.

4/32 Wyuna Avenue

The affected views are across the side boundary and are from a sitting and standing position.

5/32 Wyuna Avenue

The affected views are across the side boundary and are from a sitting and standing position.

6/32 Wyuna Avenue

The affected views are across the side boundary and are from a sitting and standing position. .

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:

Five submissions have been received raising concerns about loss of views. The extent of the views from each affected unit are as follows:

2/32 Wyuna Avenue

The view loss from 2/32 Wyuna Avenue across the side boundary of 34 Wyuna Avenue of vegetation and the eastern elevation of 34 Wyuna Avenue will be minimal. As the views that will be lost are across a side boundary and are obtained from a ground floor unit, they are difficult to retain. In this regard, the view loss from unit 2/32 Wyuna Avenue is considered to be minor.

3/32 Wyuna Avenue

The views from the living room of 3/32 Wyuna Avenue across the side boundary of 34 Wyuna Avenue to the street will be minimally affected by the proposal. The views across and to the rear of 34 Wyuna Avenue will be moderately affected. However, because the views that will be lost are across a side boundary and are obtained from first floor unit, they are difficult to retain. In this regard, the view loss from unit 3/32 Wyuna Avenue is considered to be minor.

4/32 Wyuna Avenue

The views from the living room of 4/32 Wyuna Avenue across the side boundary of 34 Wyuna Avenue to the rear of the property will be minimally affected by the proposal. The views across and to the street of 34 Wyuna Avenue will be moderately affected. The views that will be lost are across a side boundary and are obtained from a first floor unit, they are difficult to retain. In this regard, the view loss from unit 4/32 Wyuna Avenue is considered to be minor.

5/32 Wyuna Avenue

The views from the living room of 5/32 Wyuna Avenue across the side boundary of 34 Wyuna Avenue to the street will be moderately affected by the proposal. The views to the rear and the street across of 34 Wyuna Avenue will be minimally affected. As the views that will be lost are across a side boundary, they are difficult to retain. In this regard, the view loss from loss from 5/32 Wyuna Avenue is considered to be minor.

6/32 Wyuna Avenue

The views from the living room of 6/32 Wyuna Avenue across the side boundary of 34 Wyuna avenue to the rear of the property will be minimally affected by the proposal. The views across and to the the rear of 34 Wyuna Avenue will be moderately affected. As the views that will be lost are across a side boundary, they are difficult to retain. In this regard, the view loss from loss from 6/32 Wyuna Avenue is considered to be minor.

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 views from each of the units described above are obtained across a side boundary. The key control in retaining views in this particular case is the height of the building. At the Development Unit meeting held on 22 January 2015, it was decided that a condition would be included in the consent reducing the pitch of the roof so that the dwelling will remain within the 8.5m height limit as specified in the WLEP 2011. The minor side boundary envelope encroachment on the western side of the proposal will have no impact on view loss for the above units located on the eastern side of the site.

Given the dwelling will now comply with the 8.5m height limit and that this is the key element of the design that affects the loss of views, the proposal is considered to be reasonable in it's context and will allow a reasonable sharing of views.

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

Comment:

A condition will be included in the consent to reduce the pitch of the roof so that it will remain below the 8.5m height limit. Given that the dwelling will now comply with the 8.5m height limit and that this is the key element of the design that affects the loss of views, the proposal is considered to be reasonable in its context and will allow a reasonable sharing of views.

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

Comment:

The proposal does not involve the removal of canopy trees to obtain 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.

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 \$ 280,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,660

Section 94A Planning and Administration	0.05%	\$ 140
Total	1%	\$ 2,800

Heritage Item - Wyuna Avenue Street Trees

The proposal is adjacent to a local heritage item, being the street trees in Wyuna Avenue, Freshwater.

The Brushbox trees (*Lophostemum confertus*) are planted along both sides of the street, within the road reserve. The trees are well established and were planted as an avenue along the street at the time the area was developed.

The alterations will not impact on the heritage significance of the street trees, however, the tree outside the subject site should be protected during the construction to ensure that there is no detrimental impact upon its overall health.

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

THAT Council as the consent authority grant Development Consent to DA2014/1207 for Alterations and Additions to a Dwelling House on land at Lot 12 DP 7103, 34 Wyuna Avenue, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan - DA 01	November 2014	Lifestyle Home Design
Floor Plans - DA 02	November 2014	Lifestyle Home Design
Elevations + Sections - DA 03	November 2014	Lifestyle Home Design

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:

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

2. **Prescribed Conditions**

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

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

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

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

(i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that 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 and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(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

4. **Policy Controls**

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 280,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,660
Section 94A Planning and Administration	0.05%	\$ 140
Total	1%	\$ 2,800

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

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

5. **Bonds**

(a) Security Bond

A bond (determined from cost of works) of \$1000.00 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

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

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

6. **Stormwater Disposal from Low Level Property**

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

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACENC02)

7. **Compliance with Standards**

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

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

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

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

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*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)

8. **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 does not occur as a result of the development. (DACPLC03)

9. Modification Roof Form

The proposed roof design shall be modified as follows:

- (a) The ridge line is to be below the 8.5m height limit.

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

Reason: In order to maintain a cohesive streetscape, improve views, and consistency with the provisions of WLEP. (DACPLC05)

10. 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)

11. Deletion of Entry Portico and Stairs

The location of the proposed entry portico and stairs located on the east side of the dwelling, as shown on the approved plans, is to be deleted.

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

Reason: In order to maintain the existing on-site car parking and minimize impact on the adjoining road network. (DACPLCPCC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. 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)

13. **Protection of tree in road reserve**

The tree, located in the road reserve of Wyuna Avenue, at the front of the subject site at 34 Wyuna Avenue Freshwater, is to be protected at all times during demolition and construction works on the site.

Reason: To ensure that the tree is not damaged as a result of the proposed alterations and additions to the existing house at 34 Wyuna Avenue. (DACPLEDW1)

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

14. **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)

