

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 14 May 2015

54 Harbord Road Freshwater - Demolition works and Alterations and additions to a residential flat building

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2014/1262
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Responsible Officer:	Luke Perry
Land to be developed (Address):	Lot CP SP 33039 , 54 Harbord Road FRESHWATER NSW 2096
Proposed Development:	Demolition works and Alterations and additions to a residential flat building
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	Yes
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	The Owners Sp 33039
Applicant:	Trevor Butt

Application lodged:	27/11/2014
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	09/01/2015 to 27/01/2015
Advertised:	10/01/2015
Submissions:	9
Recommendation:	Approval

Estimated Cost of Works:	\$ 807,000
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - Appendix 1 Car Parking Requirements

SITE DESCRIPTION

Property Description:	Lot CP SP 33039 , 54 Harbord Road FRESHWATER NSW 2096
Detailed Site Description:	The subject site consists of a single allotment located on the western side of Harbord Road. The site is legally known as Lot CP in SP 33039, No.54 Harbord Road, Freshwater. The site is regular in shape with a frontage of 22.075m along Harbord Road and a depth between 78.72m to 91.44m. The site has a surveyed area of 1432m². The site is located within the R2 Low Density Residential zone and accommodates a Residential Flat Building comprising 9 units ranging in size from 1 bedroom to 3 bedroom. Surrounding development consists of a mix of single dwelling houses and sporadically located residential flat buildings. The site is generally flat without any significant constraint.

Map:



SITE HISTORY

DA2014/0012

With the exception of the apartment mix and the provision of an additional car space, this application was the same as the current application.

The proposal involved demolition work, additions and alterations to an existing residential flat building and the construction of a new residential flat building with associated site works.

The application was refused on 12/05/2014 for the following reasons:

1. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not considered to be in the public interest as the development does not provide adequate off street car parking and therefore is an over-development of the site.
2. Pursuant to Section 79C(1)(a)(iv) of the Environmental Planning and Assessment Act, 1979 insufficient information has been provided to demonstrate that the proposed development complies with Clause 93 and 94 of the Environmental Planning and Assessment Regulation 2000 relating to fire safety.
3. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Warringah Development Control Plan in that the development is inconsistent with the requirements and objectives of the 'C3 - Parking Facilities' Control.
4. D2 Private Open Space - Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Warringah Development Control Plan in that the development is inconsistent with the requirements and objectives of the 'D2 - Private Open Space' Control.

PLM2011/0016

The pre lodgement meeting was held 24 March 2011 to discuss Demolition works and Alterations and additions to a existing residential flat building.

The minutes of the meeting referenced WLEP 2000 and the Draft WLEP. WLEP 2000 has now been repealed for the subject site and WLEP 2011 is now in force.

It was advised in the minutes that under the Draft WLEP (now in force, WLEP 2011) the proposal would benefit from existing use rights and that if the development complied with the building height, side and rear building setback, building envelope, landscaped open space and carparking provisions of the Draft WLEP and Draft WDCP, then the additional units would be considered to fall within the scope of the provisions for intensification under existing use rights in the EP&A Act 1979 and EP&A Regulation 2000.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for demolition works, alterations and additions to an existing residential flat building and construction of a new residential flat building.

Specifically the works involve:

Demolition:

- Carport located at the front of the site;
- Rear garages and laundry; and
- Second driveway.

Residential Flat Building:

- 1 townhouse style apartment on the ground and first floor and 2 on the first floor. and 2 x 1 bedroom apartments of the first floor.

Site Works:

- Landscaping works;
- Construction of new driveway extension, stormwater works within, and extension of, the existing right of way; and
- Formalisation of 16 Car spaces.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No formal request for additional information was requested. However, Council wrote to the applicant via letter dated 21 February 2014 raising a number of concerns with the application which included car parking and access, location and lack of information regarding the owners consent for the right of carriageway and stormwater concerns as raised by Council's Development Engineer. The applicant responded to the concerns raised 30 March 2014 and provided additional and additional information in the form of title documents and revised stormwater plans. <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

Section 79C 'Matters for Consideration'	Comments
	(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. <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. The proposal benefits from existing use rights and therefore the numerical requirements of the WDCP are not strictly applicable to the assessment of the application, the planning principle established in the judgement in <i>Fodor Investments v Hornsby Shire Council (2005) NSWLEC 71</i>, are applied to the assessment of the application. The assessment of this application has deemed the proposed development consistent with the planning principle. Therefore, the impacts of the proposal proposed development on the natural and built environment are satisfactory in its current form. (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 'Matters for Consideration'	Comments
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

Does the existing use satisfy the definition of "existing use" under the Environmental planning and Assessment Act, 1979 (the 'Act')?

Section 106 of the Act defines an existing use as meaning:

"(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and

(b) the use of a building, work or land:

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."

This necessarily requires the following questions to be answered.

- Was the use of the building, work or land a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part 4 of the Act, have the effect of prohibiting that use?**

Comment:

The current use of the site as a residential flat building was established, prior to the coming into force of Warringah Local Environmental Plan 2011 on 9 December 2011.

Council has on record, evidence of Development Consents that relate to alterations and additions to a residential flat building on the subject site (Consent No.93/76 and Consent No.82/97). These are evidence that the building was constructed prior to 1982.

- Was the use of the building granted development consent before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use?**

Comment:

There is no record on Council record of the original building, however the benefit of existing use rights has been established by Development Consents found on Council' records, relating to the alterations and additions of the existing residential flat building in 1993 and 1982, prior to the coming into force of Warringah Local Environmental Plan 2011 on 9 December 2011.

3. **Has the use of the building been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse?**

Comment:

The building appears to have been used a residential flat building prior to 1982. As noted above, Warringah Local Environmental Plan 2011 rendered the use prohibited development, however, the continuance of existing use rights has been established by way of development consents relating to the alterations and additions to the existing residential flat building.

What is “the land on which the existing use was carried out” for the purposes of cl 42(2)(b) of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)?

Meagher JA in *Steedman v Baulkham Hills Shire Council* [No. 1] (1991) 87 LGERA 26 stated (at 27) the rule to be applied as follows: “that if the land is rightly regarded as a unit and it is found that part of its area was physically used for the purpose in question it follows that the land was used for that purpose”.

Comment:

Having regard to the above case law, it is noted that the whole of the area of the land was physically used for the purpose in question and therefore, it is considered that the land was used for that purpose and that existing use rights apply to the whole of the subject site.

What are the planning principles that should be adopted in dealing with an application to alter enlarge or rebuild and existing use?

The judgement in *Fodor Investments v Hornsby Shire Council* (2005) NSWLEC 71, sets out the planning principles which should be applied in dealing with development applications seeking to carry out development on the basis of existing use rights.

The following four principles adopted by the court in this case will have general application in dealing with Development Applications that rely on existing use rights:

1. How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?

While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when

surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessments.

Comment:

The subject site is located within land zoned R2 Low Density Residential, which permits a range of low density residential uses included dwelling houses, subject to built form controls that relate to forms of low density residential development.

The proposed development complies with all of the respective numerical requirements as expressed under the Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan (WDCP) relating to building height, setbacks and landscaped open space for the R2 Low Density Residential zone. The building has been designed having regard to what would be the applicable built form controls (i.e. side setbacks of 4.5m, rather than 0.9m), with the exception of landscaped open space, for the development should the development be permissible within the R3 Medium Density Residential zone and not rely upon existing use rights.

In this regard, the bulk and scale of the proposed residential flat building relates favourably to what is permissible on surrounding sites through generous setbacks and compliance with the building height control of the WLEP 2011. The perceptible increase in bulk and overall built form of the building is considered to be consistent with that envisaged for the zone irrespective of the fact that the type of development is not permissible within the zone under WLEP 2011.

Further, the site is of a size that would render it capable of being subdivided from one lot into two lots. In this regard it is considered that the bulk and scale of the building is consistent with what one would envisage from a dwelling house on a rear lot should the lot be subdivided.

2. What is the relevance of the building in which the existing use takes place?

Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.

Comment:

There is no change of use proposed. In this regard, the existing use is proposed to be continued.

3. What are the impacts on adjoining land?

The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.

Comment:

The provision of adequate setbacks, physical separation between buildings and the design and treatment

of window openings and balconies ensures a reasonable level amenity and privacy is maintained to adjoining properties. Adequate physical separation is achieved between the buildings on adjoining lands to ensure the amenity impacts on the adjoining lands are reasonable. The window openings on the first floor of the northern and western elevation have been treated with windows of narrow width to ensure no unreasonable privacy impacts.

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.

4. What is the internal amenity?

Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.

Comment:

The overall internal amenity of the proposed additional four apartments is reasonable in regards to sunlight access. Adequate areas of private open space are provided to all new apartments to ensure a reasonable level of internal amenity is provided to future dwelling occupants.

Conclusion

The use has been approved under a previous EPI and therefore, is a lawful use. Subsequently, the use can be retained under the current EPI (WLEP 2011).

The assessment of the proposed development against the planning principles set out in *Fodor Investments v Hornsby Shire Council (2005) NSWLEC 71*, has found the development to be reasonable in its, built form, impacts on adjoining lands and internal amenity.

For these reasons, the application is considered to be consistent with the planning principle.

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 9 submission/s from:

Name:	Address:
Lucien Cinc	56 A Harbord Road FRESHWATER NSW 2096
Gary Thomas Roach	52 B Harbord Road FRESHWATER NSW 2096

Name:	Address:
Magdalena Cinc	56A Harbord Road FRESHWATER NSW 2096
Mrs Angela Vozzo	14 / 82 Soldiers Avenue FRESHWATER NSW 2096
Kay Lorraine Sullivan	16 / 82 Soldiers Avenue FRESHWATER NSW 2096
Annabelle Hartigan	13 / 82 Soldiers Avenue FRESHWATER NSW 2096
Ms Debra Anne Hardy	118 Lawrence Street FRESHWATER NSW 2096
Mrs Meg Watson	7 / 82 Soldiers Avenue FRESHWATER NSW 2096
RMB Lawyers	DX 5188 WOLLONGONG NSW

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

- **Overshadowing**
- **Car parking and access**
- **Over-development of the site**
- **Privacy and noise impacts**
- **View Loss**
- **Existing use rights**
- **Right of carriageway**

The matters raised within the submissions are addressed as follows:

- **Overshadowing**

Concern is raised that the proposed development will result in overshadowing of the adjoining property at No. 52B Harbord Road.

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

- **Car parking and access**

Concern is raised in relation to inadequate car parking for the development and that no turning circle has been provided to safely exit the property. Further concerns are raised in relation to the safety of children playing near the driveway.

Comment:

This matter is addressed in detail elsewhere within this report (refer to the Traffic Engineers

comments made under the 'Referrals' section).

In summary, the proposal provides adequate car parking facilities in accordance with the requirements of Appendix 1 - Car Parking Requirements of the WDCP and adequate area is provided in order for vehicles to be able to safely exit the site in accordance with the requirements of the relevant Australian Standards for off street car parking.

In relation to general safety concerns arising from the general and increased use of the driveway, this matter is not explicitly a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, rather the matters for consideration are that vehicles can safely manoeuvre and enter and exit the property in a safe manner including having adequate sight distance in accordance with the relevant Australian Standards and the WDCP.

The assessment of this application has found the proposal to be consistent with the above and that safe and suitable access/egress to and from the site and within the site is provided and is therefore supported in this instance.

This matter does not warrant refusal of the application.

- **Over-development of the site**

Concern is raised that the proposal is an over-development of the site.

Comment:

The development has been assessed against the provisions of the Environmental Planning and Assessment Act 1979, Warringah Local Environmental Plan 2011, Warringah Development Control Plan and the Planning Principle established in *Fodor Investments v Hornsby Shire Council (2005) NSWLEC 71* where it has been found, for the reasons detailed throughout this report, that the development is consistent with the above and supported in this instance.

Therefore, the development is not considered to be an over-development of the site and this matter does not warrant refusal of the application.

- **Privacy and noise impacts**

Concern is raised that the occupiers of the units will have a direct view into the balconies, courtyards and bedrooms, of Unit No.s 7, 12, 13, 14, 16 of the building at No. 82 Soldiers Avenue, west of the site and that privacy and noise impacts will result. Further concern is raised in regards to the impact of driveway noise and headlights/ from cars. A request has also been made for privacy screening to be provided to the western facing balcony of Unit No. 10.

Comment:

Adequate physical separation is achieved between the subject site and the building at No. 82 Soldiers Avenue (i.e. in excess of 9m). The development achieves a minimum separation of 16.8m between habitable rooms from the nearest unit on the adjoining property to the west, No. 82 Soliders Avenue, Freshwater.

Therefore it is not considered that the proposal will result in any unreasonable privacy or noise impacts on the properties at No. 82 Soldiers Avenue.

Further it is not considered necessary to treat any of the windows or balcony areas in order to maintain a reasonable level of privacy, visual or acoustic. The site is located within a well established residential area and the proposed development is not expected to generate noise impacts beyond that of what could be reasonably be expected of a residential area. The existing 1.8m high rear boundary fence will be capable of screening any light spill generated from cars using the driveway.

Notwithstanding, the submitted landscape plan (refer to Landscape Concept Plan Revision F prepared by Wallman Partners and dated 01/08/2015) indicates the provision of screen planting along the rear boundary of the site that is capable of reaching a mature height of 4m which will act to further provide privacy between buildings, screen vehicle headlights and provide a reasonable level of amenity to adjoining properties.

This matter does not warrant refusal of the application.

- **View Loss**

Concern is raised that the development will result in a loss of the views and outlook which residents of Soldiers Avenue (No. 82) currently enjoy.

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 achieves 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 moderate. For the reasons detailed within the view loss assessment, the proposal is reasonable in this instance.

This matter does not warrant refusal of the application.

- **Existing use rights**

Concern is raised that the site does not benefit from existing use rights.

Comment:

This matter is discussed in detail elsewhere within this report (refer to 'Existing Use Rights' section).

In summary, evidence has been found to demonstrate that the site benefits from existing use rights.

This matter does not warrant refusal of the application.

- **Right of carriageway**

Concern is raised that the right of way does not form part of, and has never, formed part of the residential flat development SP33039 (subject site) and that the right of carriageway has never been used by the benefited lot.

Comment:

The applicant has provided evidence to demonstrate that the site does benefit from the use of the right of carriageway.

Therefore regardless of whether or not the right of carriageway has been physically used by occupants of the site, the right of carriageway does form part of the residential flat development and no further comment is made in this regard.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	Council's Building Surveyor has reviewed the application and provided the following comments: <i>'No objections are raised to the proposal subject to conditions.'</i>
Development Engineers	Council's Development Engineers have reviewed the application and provided the following comments: 'Comments dated 28/1/2015' <i>The subject site appears to have the benefit of an existing right of way (ROW) over the adjoining property at 56A Harbord Road which is noted as J 28624 on the survey plan by Bee & Lethbridge, drawing number 17907 dated 10-11-2011. There is no documentation for this ROW which confirms that the subject site is the beneficiary. This information is required to be submitted as the development relies upon the ROW to gain access to the site in the proposal.</i> <i>The existing driveway within the ROW does not extend to the common boundary between the lots and is not constructed for the extent required to gain access to the proposed rear car parking area. There is no owners consent submitted with the application for the required construction works on 56A Harbord Rd within the ROW on this property</i>

Internal Referral Body	Comments
	<i>and as such these works cannot be approved without owners consent.</i> <i>The plans indicate the widening of the proposed driveway crossing to permit two way access to the site, widening of the access driveway and a passing bay at 30 metres from the widening at the frontage. As this revised access will also be utilised by 56A Harbord Rd, it will be necessary for the applicant to provide a reciprocal ROW over the widening at the frontage, the widening of the driveway from the existing 3.05 metres to the proposed 3.7 metres (i.e. 0.65 metre wide ROW benefiting 56A Harbord Rd) and the portion of the passing bay at the rear of the driveway. This must be provided by the surveyor to ensure the proposed ROW is created over the required portions of the revised driveway in 54 Harbord Road.</i> <i>The submitted drainage plans by Burgess, Arnott & Grava Pty Ltd, drawing number 2013-030-H1A, H2A, H3A and H4A dated 14-11-2014 have been assessed and are satisfactory for the proposed development however it appears that stormwater from the adjoining driveway in the ROW of 56A Harbord Rd will enter the on-site stormwater detention (OSD) system for the development which has not been designed to cater for these flows. It is considered that the drawings must be amended to clearly indicate how this stormwater will be collected and diverted away from the proposed OSD system on the site and connected to the existing drainage system within 56A Harbord Rd. As indicated above, any proposed works within 56A Harbord Rd will require owners consent.</i> <i>Not supported for approval due to inadequate information to address:</i> <i>Access in accordance with Section C2 Traffic, Access and Safety of Council's DCP.</i> <i>Stormwater in accordance with Section C4 Stormwater of Council's DCP.</i> Comments dated 23/2/2015 The revised hydraulic plans by Burgess, Arnott & Grava Pty Ltd, drawing number 2013-030-H1B, H2B, H3A and H4B dated 11-02-2015 and 14-11-2014 respectively have been assessed and are considered to be satisfactory. The plans indicate the construction of a 300 mm wide grated drain along the entire length of the existing driveway within the adjoining property at 56A Harbord Rd with a connection into the existing drainage system on this property. It is considered that these works will require the application to be amended to include 56A Harbord Rd as part of the application and also provide owners consent for the application. <i>In terms of the information submitted by the applicant's legal</i>

Internal Referral Body	Comments
	<i>representative, a review of the conveyancing act failed to find any evidence that upgrading within an existing right of way (ROW) can be undertaken by the beneficiary of the ROW without owners consent. It is considered that Council's legal team review this documentation and provide advice as to the validity of the applicant's argument with respect to owners consent and if the adjoining property needs to be included in the application due to the extent of works proposed within the adjoining property as part of this application.</i> Comments dated 04/05/2015 Council's Legal Services Department have advised that owner's consent is required for the proposed works in the existing right of way within 56A Harbord Road. It is unclear if the consent is required with the lodgement of the development application or only prior to activation of the development consent. Council's Development Assessment Officer is to determine if the adjoining land owner is to be party to the development application. Provided that the owner's consent of 56A Harbord is only required to activate the consent, no objection to approval, subject to conditions as recommended.'
Landscape Officer	Council's Landscape Officer has reviewed the landscape aspects of the application and provided the following comments: <i>'No objections to approval subject to conditions as recommended.'</i>
Traffic Engineer	Council's Traffic Engineer has reviewed the traffic and parking aspects of the application and provided the following comments: <i>'The revised layout provides the required number of car parking spaces to comply with the Warringah DCP. It is not clear which of the units will be allocated the tandem car parking spaces located at the rear of the car parking area as the two and three bedroom units are located in the forward building on the site.</i> <i>There is no objection on traffic grounds to the proposed car park layout subject to the tandem spaces, parking areas, turning areas and access conforming to AS2890.1.'</i>
Waste Officer	Council's Waste Officer has reviewed the waste aspects of the application and provided the following comments: <i>'No objections are raised to the proposed development subject to conditions.'</i>

External Referral Body	Comments

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.491531M_03 dated Wednesday, 06 August 2014). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No.1005867302 dated 13/11/2014).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	35	46

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	7.95m	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
5.10 Heritage conservation	Yes

Clause	Compliance with Requirements
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	6.2m	N/A	Yes
B3 Side Boundary Envelope	4m	Within envelope.	N/A	Yes
B5 Side Boundary Setbacks	0.9m	North: 4.1m to first floor balconies 4.5m to primary building walls.	N/A	Yes
		South: 4.5m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6m - 10m to existing Residential Flat Building (Existing and unchanged)	N/A	N/A
		2.6m - 5.2m to garbage bin enclosure (exception)	N/A	N/A
B9 Rear Boundary Setbacks	6m	6m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.09% (574.627m ²)	N/A	Yes

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3 Side Boundary Envelope	Yes	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	Yes	Yes
Front Boundary Setbacks - R2	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Rear Boundary Setbacks - R2	Yes	Yes
All other land under R2	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Rear Boundary Exceptions - R2	N/A	N/A
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 - 3 or more dwellings	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
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
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
Appendix 1 Car Parking Requirements	Yes	Yes

Detailed Assessment

D7 Views

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.

Note: As a result of the notification process, submissions were received from No. 7, No. 12 and No. 14 of 82 Soldiers Avenue, Freshwater raising view loss as a concern. The submissions received from No. 7 and No. 12 of 82 Soldiers Avenue are in a form letter stating the same objections to the development.

A site inspection was undertaken from No. 82 Soldiers Avenue, including internal inspections from No. 12 and No. 14 of 82 Soldiers Avenue on 8 May 2015.

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.7/82 Soldiers Avenue

Whilst a site inspection from inside this property was not undertaken it is reasonable to assume, given its position further north of the site and forced angle that would be required to view the subject site if at all possible, that the views to be affected are distant district and possible distant/horizon water views.

No.12/82 Soldiers Avenue

The views to be affected from this property are distant/horizon ocean views to the east over the top of the ridge line of the existing residential flat building and adjoining dwellings (No. 52 and No. 52b Harbord Road).

No.14/82 Soldiers Avenue

The views to be affected from this property are distant/horizon ocean views to the east over the top of the ridge line of the existing residential flat building and adjoining dwellings (No. 52 and No. 52b Harbord Road).

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.7/82 Soldiers Avenue

A review of the approved plans of the development at No. 82 Soldiers Avenue, and after a site inspection of other properties reveals the same floor plan for all units, being master bedroom and balcony located on the first floor. The views are obtained from a standing position only and across a side boundary.

No.12/82 Soldiers Avenue

The views are obtained from a standing position only from the first floor master bedroom and balcony across a side boundary.

No.14/82 Soldiers Avenue

The views are obtained from a standing position only from the first floor master bedroom and balcony across a side boundary.

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.7/82 Soldiers Avenue

Given the views are obtained from a first floor bedroom and balcony over a side boundary and from standing position only it is unreasonable to expect and in the circumstances difficult to retain views. This property is located approximately 27m to the north of the north western boundary of the subject site and would require a forced angle to be able to view the development

Therefore, it is considered that the extent of impact would be negligible.

No.12/82 Soldiers Avenue

The views obtained in a easterly direction over the existing ridge line of the subject site and adjoining properties are expected to be lost. The views are obtained from a bedroom in a standing position from a bedroom and over a side boundary.

In this regard the extent of impact is considered to be moderate.

No.14/82 Soldiers Avenue

The views obtained in a easterly direction over the existing ridge line of the subject site and adjoining properties are expected to be lost. The views are obtained from a bedroom in a standing position from a bedroom and over a side boundary.

However, it is expected that a substantial view corridor will be maintained for this property given the 4.5m

setback of the development to the southern side boundary of the site. This view corridor will allow for ocean views to be maintained from the first floor of this property.

In this regard the extent of impact is considered to be negligible to moderate.

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:

When considering the reasonableness of the proposal it is considered that a development that complies with all of the planning controls would be considered more reasonable than one that breaches them. In this case, the proposed development maintains compliance with the Height of Buildings Development Standard of 8.5m and compliance with the minimum front, rear and side boundary setback requirements of the WDCP.

Whilst the extent of impact is considered to be moderate to severe, it is considered that it would be unreasonable to maintain all of the views currently obtained from these properties given the nature of views, the position of the property they are obtained from and being obtained over a side boundary.

The design of proposal responds appropriately to the available views through the provision of appropriate view corridors, setbacks that are well in excess of the minimum setbacks for the site. The development potential of the site has already been substantially reduced by adopting side boundary setbacks well in excess of the 0.9m requirement. The adoption of such setbacks will ensure highly valued views, in this instance, distant ocean views, are retained for some of the properties and the impact on properties in terms of view loss is considered to be acceptable and the view sharing reasonable.

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.

Appendix 1 Car Parking Requirements

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
<u>Residential Flat</u>				

<u>Building</u>				
1 Bedroom x	7 x 1 space	7 spaces	15 spaces	N/A
2 Bedroom x 4	4 x 1.2 spaces	4.8 spaces		
3 Bedroom x 1	1 x 1.5 spaces	1.5 spaces		
Visitor	1 space per 5 units	2.4 spaces		
Total		16 spaces (15.7 rounded up)	16 Spaces	Nil.

Clause C3 of WDCP requires that adequate off-street car parking is to be provided within the subject property boundaries in accordance with the use provisions of Appendix 1.

As illustrated in the table above, the proposal provides adequate off street car parking and complies with the requirements of this Appendix.

The development provides two of the sixteen car spaces in a 'stacked' arrangement. A condition has been included in the recommendation of this report requiring these spaces to be allocated to the one apartment, being the three bedroom apartment.

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:

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Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 807,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,667
Section 94A Planning and Administration	0.05%	\$ 404
Total	1%	\$ 8,070

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 DA2014/1262 for Demolition works and Alterations and additions to a residential flat building on land at Lot CP SP 33039, 54 Harbord Road,

FRESHWATER, subject to the conditions printed below:

DEFERRED COMMENCEMENT CONDITIONS

1. **Owner's Consent**

The development requires the construction of driveway and drainage works within the existing right of way burdening 56A Harbord Road (Lot 1 DP 635354). Owners consent from the property owner at 56A Harbord Rd is required to undertake these works. The applicant must provide Council with evidence of the owner's consent in order to activate the consent.

Reason: Legal requirement to undertake works within the existing right of way. (DACENADC1)

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

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA01 - Site Analysis/Demolition & Waste Management Plan	25/11/2014	Wolski Coppin Architecture
DA02 - Ground Floor Plan	25/11/2014	Wolski Coppin Architecture
DA03 - First Floor/Roof Plan	25/11/2014	Wolski Coppin Architecture
DA04 - Elevations & Sections	25/11/2014	Wolski Coppin Architecture
F01 Finishes	25/11/2014	Wolski Coppin Architecture

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
L1 - Landscape Concept Plan Issue F	01/08/2014	Wallman Partners Pty Ltd

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

3. **Prescribed Conditions**

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

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

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

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

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

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

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

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

(f) 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.

(n) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan	
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Contribution based on a total development cost of \$ 807,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 7,667
Section 94A Planning and Administration	0.05%	\$ 404
Total	1%	\$ 8,070

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

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

6. Bonds

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.

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

A Bond of \$2,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

(c) Construction, Excavation and Associated Works Bond (Crossing/Kerb)

A Bond of \$25,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

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 Councils infrastructure. (DACENZ01)

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

7. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Burgess, Arnott & Grava Pty Ltd, drawing number 2013-030 H1B, H2B, H3A, and H4B dated 11/02/2015 and 14/11/2014 respectively.

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

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

8. **Application for Works to be Approved within Councils Roadway**

An application for works to be approved within Councils roadway under Sections 138 & 139 of the Roads Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of driveway crossing, layback, kerb and gutter and footpath along the frontage of the site which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

9. **Waste Management Plan**

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.(DACHPC03)

10. **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

All trees not indicated for removal on the approved plans.

(b) Tree protection and pruning

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. (DACLAC01)

11. **Compliance with Standards**

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

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

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

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

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

12. **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)

13. **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)

14. **Car parking areas**

The parallel and angled parking bay dimensions, internal circulation, aisle widths, vertical clearance, aisle extensions for blind aisles and turning area dimensions are to comply with AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

Reason: To ensure compliance with Australian Standards (DACTRCPC1)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. **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

16. **Property Boundary Levels**

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

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

Reason: To maintain the existing profile of the nature strip/road reserve. (DACENE01)

17. **Progress Certification**

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Sub-grade trimmed and compacted **
- (d) Base-course laid and compacted **
- (e) Kerb and gutter construction
- (f) Driveway crossing and layback construction
- (g) Footpath construction
- (h) Pavement
- (i) Landscaping and vegetation
- (j) Clean-up of site, and of adjoining Council roadway and drainage system.

(**To be tested by a recognised N.A.T.A. approved laboratory).

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 (see www.warringah.nsw.gov.au). (DACENE02)

18. **Vehicle Crossings**

The provision of one vehicle crossing 5.5 metres wide in accordance with Warringah Council Drawing No A4-3330/1 N and specifications. The vehicle crossing and associated works within the road reserve shall be constructed in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

19. **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)

20. **Footpath Construction**

The applicant shall a 1.5 metre wide concrete footpath along the entire frontage of the site. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

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

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

21. **Layback Construction**

A layback 5.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276/B and specifications.

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

22. **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)

23. **Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of stormwater pipelines within road reserve
- (c) Prior to pouring of layback and driveway crossing
- (d) Prior to pouring of kerb and gutter
- (e) Prior to pouring footpath
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

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. **Kerb and Gutter Construction**

The existing kerb and gutter along the frontage of the site is to be reconstructed as 150mm kerb & gutter in accordance with Warringah Council Drawing No A4 2276/A and specifications.

Reason: To ensure compliance with of kerb and gutter works with Council's specification for engineering works. (DACENEDW1)

26. Trees Condition

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

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

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

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

Reason: Protection of Trees. (DACLAEO3)

27. Waste/Recycling Requirements (Materials)

During demolition and/or construction the following materials are to be separated for recycling, timber, bricks, tiles, plasterboard, metal, concrete, and evidence of disposal for recycling is to be retained on site.

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

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

28. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by Building Code of Australia Consultants dated October 2014 Reference No: 1761.1bt-rlem and received by Council on 3 December 2014. Additionally fire hydrant shall be installed in accordance with Clause E 1.3 of BCA and AS 2419.1-2005 as required.

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

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

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

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

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

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

30. **Registration of Encumbrances for On-site Stormwater Detention**

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

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

Reason: To identify encumbrances on land. (DACENF02)

31. **Reinstatement of Kerb**

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

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

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

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

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

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

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

33. **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)

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

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

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

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

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

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

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

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

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

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

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

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

37. Right of Carriageway

A right of carriageway 2.45 metres wide, 6 metres long and variable from the front boundary burdening SP 33039 benefiting Lot 1 DP 635354 (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title to permit a minimum passing bay of 5.5 metres wide in total and 6 metres long from the front boundary of the site.

A structural engineer must certify that the completed driveway widening works required to allow for the passing bay have been constructed in accordance with the approved construction certificate plans.

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

Reason: To ensure compliance with AS/NZS 2890.1:2004. (DACENFPO1)

38. Required Planting

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

No. of Trees Required.	Species	Location	Pot Size
All trees	As indicated on Landscape Plan Dwg No. L1 F dated 1.8.14 prepared by Wallman Partners	As indicated on the Landscape Plan	As indicated on the Landscape Plan

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

Reason: To maintain environmental amenity. (DACLAF01)

39. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

40. Unit Numbering for Multi Unit Developments (Residential, Commercial and Industrial)

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines (<http://auspost.com.au/media/documents/address-presentation-standard.pdf>).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table attached to this consent.

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi Unit Development Table.

Reason: To ensure consistent numbering for emergency services access. (DACPLF05)

41. **Fire Safety Matters**

A Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures).

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

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

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

42. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

43. **Positive Covenant for Waste Services**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to provide access to the waste storage facilities prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities (DACWTF03)

44. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land. (DACWTF04)

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

45. **Allocation of Spaces**

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

14 - Residential (tandem spaces No. 4 and No. 16 as shown on the approved plans are to be allocated to the same residential unit)

2 - Residential - Visitors

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

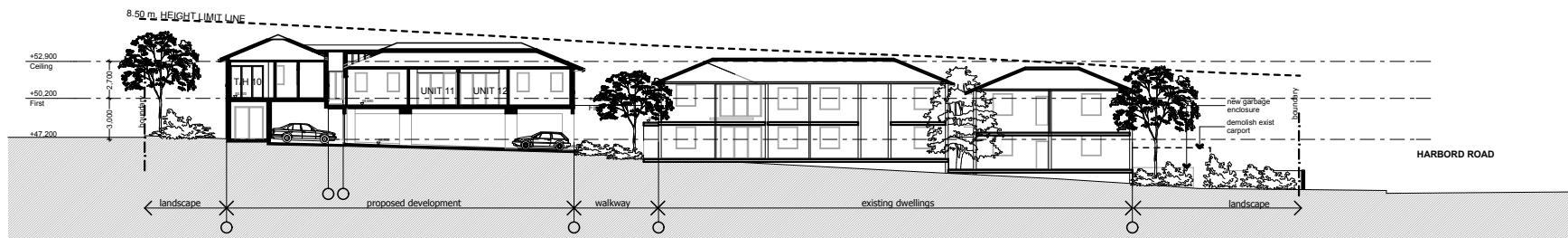
Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

46. **Visitors Sign**

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

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

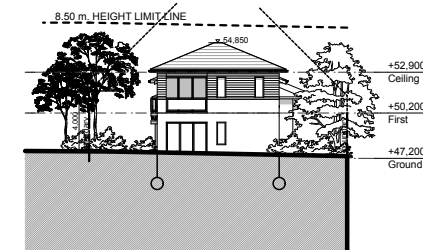
Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)



Section AA



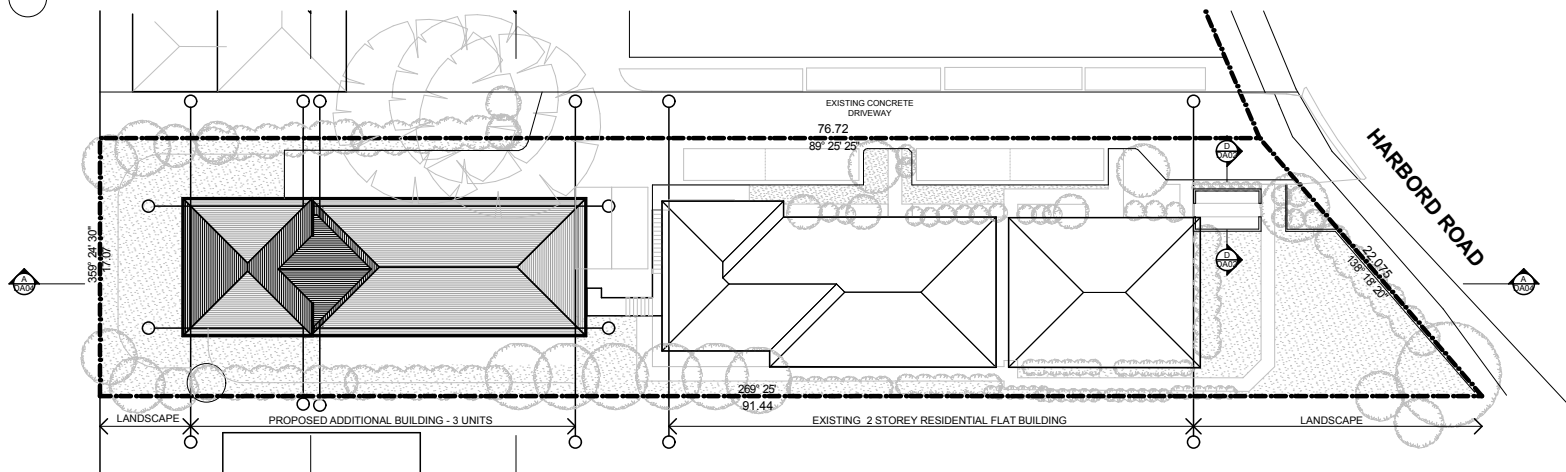
North Elevation



West Elevation



South Elevation



**DA SUBMISSION -
NOVEMBER 2014**

NOTES:	REVISIONS:	ARCHITECT:	PROJECT TITLE:	CLIENT:	PROJECT No:	DRAWING No:	REVISION:	NORTH POINT:
FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. THE CONTRACTOR IS TO CHECK AND VERIFY FIGURED DIMENSIONS PRIOR TO ANY COMMENCEMENT OF WORK ON SITE. THIS DRAWING IS COPYRIGHT AND SHALL REMAIN THE PROPERTY OF WOLSKI COPPIN ARCHITECTURE	DATE REV DESCRIPTION DATE REV DESCRIPTION DATE REV DESCRIPTION	WOLSKI . COPPIN ARCHITECTURE LEVEL 3, 113 MILITARY ROAD T 9153 8477 DAVID WOLSKI	RESIDENTIAL DEVELOPMENT PROJECT ADDRESS: 54 Harbord Road FRESHWATER	Charlie Cox	21004	NP01		TN
				DRAWING TITLE: NOTIFICATION PLAN	SCALE: 1:500 @ A4	SCALE BAR: 0 1 2 3 4 5	PLOT DATE: 25/11/2014	