

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 27 August 2015

24 Rayner Avenue Narraweena - Construction of a dwelling house

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0481
Responsible Officer:	Lauren Roberts
Land to be developed (Address):	Lot 2 DP 13139 , 24 Rayner Avenue NARRAWEENA NSW 2099
Proposed Development:	Construction of a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Eddie Antonio De Martin Diana Lee De Martin
Applicant:	Kurmond Homes
Application lodged:	02/06/2015
Application Type:	Local
State Reporting Category:	Residential - Single new detached dwelling
Notified:	16/06/2015 to 01/07/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	2
Recommendation:	Approval
Estimated Cost of Works:	\$ 604,069

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 2 DP 13139 , 24 Rayner Avenue NARRAWEENA NSW 2099
Detailed Site Description:	The subject site consists of one (1) allotment located on the southern side of Rayner Avenue, Narraweena. The site is regular in shape with a frontage of 13.41m along Rayner Avenue and a depth of 62.38m. The site has a surveyed area of 836m². The site is located within the R2 Low Density Residential zone and accommodates a part 2 storey clad residence with tile roof. Access to the site is from Rayner Avenue via a concrete driveway which leads to a single car garage located beneath the dwelling. A large timber deck is located at the rear of the dwelling. An in-ground swimming pool and spa is located within the rear yard of the site along the western side boundary. Surrounding development consists of a mix of 1-2 storey detached residential dwellings of which all differ in architectural style. The immediate properties to the east and west of the site at No. 22 and No. 26 Rayner Avenue are typical of long narrow sites consistent with the subject site. No. 26 Rayner Avenue contains a single storey brick and tile dwelling house while No. 22 Rayner Avenue contains a part 2 storey clad dwelling house. The site has a slight cross fall from west to east with a level

change of between 1-2m.

The site is predominately grassed with a number of small trees within the front and rear yard of the site. There are no threatened species known on site.

Map:



SITE HISTORY

A search of Council's records has revealed that an approval was granted for the construction of a swimming pool on 30/07/2010. There are no other relevant applications applicable to the site.

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

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for construction of a new dwelling house. Key elements of the proposal include:

Ground Floor Level:

- Home theater;
- Lounge;
- Guest bedroom;
- Family room;
- Kitchen, scullery and laundry;
- Garage; and
- Powder room

First Floor Level:

- 4 bedrooms (including master bedroom with walk-in-robe & ensuite);
- Rumpus;
- Study;
- Balcony;
- Bathroom; and
- Water Closet

Ancillary works including landscaping, tree removal, earthworks and retaining walls are also proposed as part of the application.

The demolition of the existing dwelling has not been included within the application and will be subject to a separate application.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the

Section 79C 'Matters for Consideration'	Comments
	consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Stewart Andrew Edwards	C/- Add-Style Home Additions Suite 5, Level 1 319 Condamine Street MANLY VALE NSW 2093
Mauro Castorina Lucia Castorina	26 Rayner Avenue NARRAWEENA NSW 2099

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

- Overshadowing
- Privacy
- Accuracy of documentation
- Views
- Sea Breeze
- Privacy
- Easement
- Side Boundary Envelope
- Retaining Wall
- Noise and Visual Impact

The matters raised within the submissions are addressed as follows:

- Overshadowing

The submission received from No. 22 Rayner Avenue raised matters concerning overshadowing, specifically *'the rear of the new home will significantly shade our existing pool, gardens and outdoor eating area, and will negatively impact our home and quality of life'*.

Concern was also raised in relation to the potential over shadowing of the adjoining property at No. 26 Rayner Avenue in particular, the effect on the morning sun which reaches the rear parameters of the dwelling house including the rear yard and driveway and the *'area in front of our kitchen/living area and porch [where] we sit and have coffee, eat, socialise and simply enjoy the sun'*.

Comment:

It is noted that the property is north facing. In this regard, the proposed development will result in shadow cast along a portion of the eastern elevation of the property at No. 26 Rayner Avenue and will include the rear verandah, brick garage and the rear yard at 9.00am during the winter solace. At 12.00pm the shadow cast will move to the rear of the property at 24 Rayner Avenue and will be contained to the subject site. At 3.00pm the shadow cast will move to the rear yard and the western elevation of No. 22 Rayner Avenue. Accordingly, the submitted shadow diagrams demonstrate that a minimum of 50% of the adjoining properties private open space

achieves a minimum of 3 hours sunlight during the hours of 9am to 3pm on June 21. For this reason, the proposal complies with D6 'Access to Sunlight' of the Warringah Development Control Plan (Warringah DCP).

In addition to the above, the submission raised concerns in respect to the non-compliance with the Side Boundary Envelope control as it relates to the eastern elevation of the dwelling. Specifically, the submission outlined the potential for overshadowing of the pool and outdoor eating area as a result of this infringement. As mentioned above, the proposal will achieve the objectives and meet the requirements of D6 of the Warringah DCP. The variation to the Side Boundary Envelope control is addressed elsewhere in this report (refer to Clause B3- 'Side Boundary Envelope' under Warringah DCP).

In summary, the assessment of this application has found that the development achieves consistency with the underlying objectives of the controls and the zone and that the variation to the Side Boundary Envelope is supported.

Therefore, these matters do not warrant the refusal of the application.

- Privacy

22 Rayner Avenue

Concern is raised in relation to the privacy effects on the rear yard of No. 22 Rayner Avenue as a result of the large windows servicing the first floor rumpus room located on the eastern elevation of the proposed dwelling.

Comment:

The large window (W24) & (W25) & the smaller window (W23) will address the rear yard of the property at No. 22 Rayner Avenue and in particular the private open space of the property including the pool. The windows serves a rumpus room which is considered to be an area of moderate to high traffic or volume. Given the use and location, the windows has potential for overlooking of the adjoining property.

In summary, after a detailed assessment including a site inspection with the owners, a condition has been included in the recommendation of this report that requires the windows to the rumpus room (W23, W24 & W25) to be fitted with manufactured obscure glazing to a minimum height of 1.65m measured from the finished floor level of the first floor to ensure no unreasonable overlooking occurs.

Subject to the proposed condition, this matter does not warrant refusal of the application.

24 Rayner Avenue

The submission from the residences at 24 Rayner Avenue raised concerns in regards to the provision of the proposed windows along the west elevation and the implications of these windows on the privacy of the rear yard. This submission states that *'some of the windows have obscure glass but what happens when they are open?'*

Comment:

The windows along the western elevation at level one will service bedroom 2 and the study which are considered to be low trafficable uses. Neither of these windows include obscure glass and include a frame to

allow them to slide open. Given the size and location, the window which serves bedroom 2 (W28) has potential for overlooking and in particular, the private open space of the adjoining property.

In summary, after a detailed assessment including a site inspection with the owners, a condition has been included in the recommendation of this report that requires the window (W28) to have a minimum sill height of 1.50m measured from the finished floor level of the first floor to ensure no unreasonable overlooking occurs.

Subject to the proposed condition, this matter does not warrant refusal of the application.

- Accuracy of documentation

The submission received from No. 22 Rayner Avenue raised concern in respect to the accuracy of the documents submitted. Specifically, *'all documents provided to support development are based on our home prior to development last year. The second storey of our home has been in place since last year and the new development should be compared against our current home to ensure there is no window facing directly into our upstairs bathroom window'*.

Comment:

It is noted that the dwelling at No. 22 Rayner Avenue is two storey in height rather than the single storey as detailed within the application. The assessment of this application has been based on the current site conditions and site surrounds including the two storey dwelling house at No. 22 Rayner Avenue.

This matter does not warrant the refusal of the application.

- Views

Concern is raised in relation to the loss of views from No. 26 Rayner Avenue.

Comment:

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

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 potential impact on view sharing as a result of the proposed development is considered negligible based on the assessment of views impacted from the adjoining property at 26 Rayner Avenue.

This matter does not warrant the refusal of the application.

- Sea Breezes

Concern is raised in relation to the potential loss in natural ventilation/circulation during summer received by the property at No. 26 Rayner Avenue.

Comment:

The proposal has been assessed in accordance with the Environmental Planning and Assessment Act 1979 - Section 79C Evaluation. In this regard, the relevant controls of the Warringah Local Environmental Plan and Development Control Plan apply. Protection of sea

breeze is not a matter for consideration under the relevant environmental planning instruments applicable to this application.

This matter does not warrant the refusal of the application.

- Easement

The following concern was raised relating to the property at No. 26 Rayner Avenue: *There is an easement marked with a dotted line mentioned on the plan. We could not see it and there is no detail*".

Comment:

There is no easement proposed as part of the application that would result in an encumbrance on the property title of No. 26 Rayner Avenue.

This matter does not warrant the refusal of the application.

- Side Boundary Envelope

The submission raised concerns in respect to the side boundary encroachment in light of the overall bulk and scale of the development.

Comment:

This matter is addressed elsewhere in this report (refer to Clause B3- 'Side Boundary Envelope' under Warringah Development Control Plan).

In summary, it was found that the development has been designed to ensure the proposal remains within the building height limit and does not become visually dominant by virtue of its height and bulk. In addition to this, the proposal ensures adequate levels of sunlight, solar access and privacy is achieved on site and maintained on adjoining sites.

This matter does not warrant the refusal of the application.

- Retaining Wall

The submission raised concerns in relation to the lack of detail for the retaining wall and the effect that the proposed retaining wall may have on the concrete driveway located at No. 26 Rayner Avenue.

Comment:

A retaining wall is proposed along the western boundary of the property at a length of approximately 23.7m and at a height of 1m. The retaining wall is to be located within the property at No. 24 Rayner Avenue and is of a size and scale that will not result in undue visual impacts on the adjoining site. Liability and damage to property during construction of the retaining wall is not a matter for consideration by Council but the responsibility of the contractor employed to undertake the works.

This matter does not warrant the refusal of the application.

- Noise and Visual Impact

Concerns were raised within the submission in respect to the location of the utilities along the western side boundary

of the subject site and the visual and noise impact on the property at No. 26 Rayner Avenue.

Comment:

The proposal includes the provision for utilities and services located adjacent to the western boundary of the site. This includes the meter box, gas flow, rain water tank, air condition unit and the clothes line. Clause B5 Side Setback Exceptions of the Warringah Development Control Plan allows for the exception of such services to encroach beyond the minimum side set back control of 0.9m. In respect to noise associated with the utilities, the development is required to be designed in accordance with the EPA Guidelines for Acoustic Privacy which limits noise (including air conditioner unit noise) at the property boundary and is not to exceed 5dB(A). A standard condition is included within the recommendation of this report to this effect.

The submission raised concerns that the proposed dwelling is built at a size and scale that is not consistent with the surrounding properties. Particularly, the length of the dwelling. The development complies with the relevant controls with the exception of the Side Boundary Envelope which is addressed else where within this report (refer to Clause B3- 'Side Boundary Envelope' under Warringah Development Control Plan). Compliance with the building height control and provision of suitable building setbacks, building articulation and variety of materials and treatments will minimise the overall visual bulk of the building. Accordingly, the proposal is of an appropriate size and scale, consistent with development within the R2 Low Density Residential Zone.

This matter does not warrant the refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	The proposed development has a total hard stand surface of less than 40% of the site area and therefore does not require the provision of an On Site Detention system. No Development Engineering objection is raised in respect of the proposed development subject to suitable conditions.
Landscape Officer	The application includes the removal of a tree located at the rear of the proposed dwelling adjacent to the eastern boundary of the site. There are no objections to removal of the tree subject to conditions as recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid on the 15/06/2015. A formal response was received from Ausgrid in respect to the proposal on the 03/07/2015. No objections were raised in relation to the proposed subject

External Referral Body	Comments
	to conditions including submission of a Connection Application and compliance with the requirements in the WorkCover NSW Code of Practice - "Work Near Overhead Power Lines" 2006.

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. 608426S dated Thursday 28 May 2015).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	42

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 and a response was received within the 21 day statutory period. No objection was raised in relation to the proposal subject to conditions as recommended.

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.172m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.5m	N/A	Yes
B3 Side Boundary Envelope	East: 4m	Outside	17.75%	No

	West: 4m	Envelope	N/A	Yes
		Within Envelope		
B5 Side Boundary Setbacks	0.9m	East: 0.95m West: 1.45m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.5m	N/A	Yes
B9 Rear Boundary Setbacks	6m	32.6m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	49.1%	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	No	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The proposal results in a non-compliance with the Side Boundary Envelope Control. The area of infringement relates to the upper floor level (Bedroom 1) as it relates to the eastern elevation of the site. The proposal exceeds the envelope control by a maximum height of 1.11m over horizontal length of 9.6m until compliance is met resulting in a maximum variation of 17.75%.

Merit consideration

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

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

Comment:

The proposed development complies for the Height of Buildings control and has an articulated facade including a variety of materials which ensures the proposal does not become visually dominant when viewed from the streetscape or surrounding private properties.

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

Comment:

The proposal provides greater than the minimum setback to both side and the rear boundaries of the site. In this instance, the building separation between that of the subject site and the adjoining dwellings is 4.5m (west) and 2.5m (east) respectively. Accordingly, the proposal provides adequate separation to the buildings on the adjoining properties to the east west.

In terms of privacy, translucent glazing has been applied to the windows servicing the ensuite, bathroom and walk in robe (W22, W21, W20) located on the upper floor level. Bedroom 2 (W28) will address the side and rear yard of the property at No. 26 Rayner Avenue while the rumpus room (W23, W24 & W25) will address the rear yard of the property at No. 22 Rayner Avenue.

Due to the size and locations of the windows, there is potential for unreasonable overlooking to adjoining properties. Accordingly, a condition has been included in the recommendation of this report that requires the windows W23, W24, W25 to have a minimum sill height of 1.65m measured from the finished floor level of the first floor to ensure no unreasonable overlooking occurs. Window W28 will be conditioned with a minimum sill height of 1.5m to ensure no unreasonable overlooking occurs.

As the site is oriented north/south the shadow diagrams demonstrate that a minimum of 50% of the adjoining properties private open space achieves a minimum of 3 hours sunlight during the hours of 9am to 3pm on June 21. For this reason, the proposal complies with the requirements and objectives of D6 'Access to Sunlight' of the Warringah Development Control Plan (Warringah DCP).

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

Comment:

The proposed dwelling has been sited and designed to response to the site while maintaining a generous landscaped setting and modest bulk and scale.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D7 Views

Merit consideration

Concern is raised in relation to the loss of views from No. 26 Rayner Avenue.

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

1. Nature of the views affected

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

Comment to Principle 1:

The views to be affected by the proposed development from No. 26 Rayner Avenue are best described as being distant views of Long Reef Beach and includes small partial views of the water filtered by existing vegetation.

The views is obtained from a distance of approximately 2.4km.

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:

The views are obtained across the eastern side boundary of the site. A distant water view can be obtained in standing position from the ground floor bedroom and lounge room. This view is only obtainable from a forced oblique angle when standing directly adjacent to the north facing window and door of the dwelling. A distant water view is also obtained from a standing position within the rear yard of the site in the driveway.

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:

The proposed two storey development will reduce the distant Long Reef Beach views currently obtained from the ground floor bedroom and living room of the dwelling at No. 26 Rayner Avenue and from a standing position within the rear yard in the driveway. These views are obtained across a side boundary which limits the ability and reasonableness for the views to be retained.

The proposed dwelling is to be set back from the front boundary 6.5m and in the same location as the existing dwelling and will extend for a length of approximately 22m into the site. In this respect, the proposal will affect the small distant water view obtained from the living room and from the standing position in the rear yard of the site in the driveway. Both these views are considered to be of low value considering the forced oblique angle and location of which the view is obtained. In addition to this, both views include only 'slithers' of water views. The distant water view obtained from the ground floor bedroom will be maintained as part of the proposal. It is noted that the most substantive distant ocean view from the property at 26 Rayner Avenue is from the front yard of the property which is not affected by the proposal.

Whilst there is a minor loss of views, distant ocean views will be maintained from the front porch and the ground floor north facing bedroom. Accordingly, the development is considered to be reasonable in terms of view sharing and the potential impact on view sharing as a result of the proposed development is considered negligible.

4. Reasonableness of the proposal that is causing the impact

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

Comment to Principle 4:

The 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 controls.

The proposal responds appropriately to the available views through the provision of appropriate setbacks and building articulation to ensure the impact on properties in terms of view loss is negligible.

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

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.

D9 Building Bulk

Merit consideration

In response to the submissions received, an assessment of the design and visual impact of the proposal has been undertaken against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The site is typical of a long narrow site which is evident along parts of Rayner Avenue. In respect, the building has been designed to comprise a degree of building articulation along the northern, eastern and a portion of the western elevation of the dwelling where varying setbacks are provided. This is also supported by the variations in the roof modulation which overall, are designed to minimise the building bulk.

A variety of materials and treatments including moroka finished brickwork; a stack stone finish

and 'Basalt' colorbond roofing are also proposed to to create visual interest when viewed from public spaces and adjoining properties.

Overall, the proposal represents a modest building design which incorporates appropriate architectural treatment to minimise the overall build bulk of the dwelling.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposed dwelling complies with the 8.5m building height control and provides compliant setbacks to the side, rear and front boundaries of the property.

The upper floor (first floor) provides articulation in the form of a large enclosed balcony structure which projects from the main dwelling house when viewed from the streetscape. The eastern and western elevations have been articulated to incorporated increasing building setbacks as the external wall height increases. In this respect, the eastern elevation allows for a 1.4m side setback which increases to 2.05m while the western elevation is setback 0.95m from the boundary and increasing to 1.67m. The potential for visual bulk is further minimise along the western elevation through the building separation with the dwelling at No. 26 Rayner Avenue due to the location of the drive along the side boundary of the adjoining property which provides and overall building separation of 4.5m.

In summary, the proposed dwelling has been designed to ensure there are no undue visual impacts on the adjoining properties or when viewed from the streetscape.

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 \$ 604,069		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,739
Section 94A Planning and Administration	0.05%	\$ 302
Total	1%	\$ 6,041

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 DA2015/0481 for Construction of a dwelling house on land at Lot 2 DP 13139, 24 Rayner Avenue, NARRAWEENA, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan	27.05.2015	Kurmond Homes PTY LTD
North Elevation & East Elevation	27.05.2015	Kurmond Homes PTY LTD
South Elevation and West Elevation	27.05.2015	Kurmond Homes PTY LTD
Ground Floor Plan	27.05.2015	Kurmond Homes PTY LTD
First Floor Plan	27.05.2015	Kurmond Homes PTY LTD
Roof Plan	27.05.2015	Kurmond Homes PTY LTD
Sheet 6	16.12.2014	Kurmond Homes PTY LTD
Sheet 7	27.05.2015	Kurmond Homes PTY LTD

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Site Investigation	28.11.2015	Ideal Foundations

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
Proposed Landscape Plan	12.03.2015	A Total Concept Landscape Architects & Swimming Pool Designers

Waste Management Plan		

Drawing No.	Dated	Prepared By
Waste Management Plan	No date	N/A

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)

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

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

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	03/07/2015

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

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

3. **Prescribed Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

(c) Where demolition works have been completed and new construction works have not

commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

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

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

(f) 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		
Contribution based on a total development cost of \$ 604,069		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,739
Section 94A Planning and Administration	0.05%	\$ 302
Total	1%	\$ 6,041

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. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Stormwater Disposal

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be approved by the Principal certifying Authority. The plans must indicate the provision of a rainwater tank in accordance with the BASIX certificate. Stormwater shall be conveyed from the site to Street.

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

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

8. **Vehicle Crossings Application Formwork Inspection**

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

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

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

9. **Tree protection**

(a) Existing trees which must be retained

All trees not indicated for removal on the approved plans

(b) Tree protection

i) No tree roots greater than 50mm diameter are to be cut from protected trees 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, with particular reference to Section 4 Tree Protection Measures.

iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause

E1 Private Property Tree Management and AS 4373 Pruning of amenity trees AS4970-2009 Protection of trees on development sites.

iv) All tree protection measures, including fencing, 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)

10. **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)

11. **Obscure Window Glazing:**

The windows which serve the rumpus room (W23, W24 & W25) as shown on the approved plans are to be fitted with manufactured obscure glazing to a minimum height of 1.65m (measured from the finished floor level of the first floor of the dwelling).

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

Reason: In order to maintain privacy to the adjoining / nearby property.(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. **Window Sill Height**

The window which services bedroom 2 (W28) as shown on the approved plans are to have a minimum sill height of 1.50m (measured from the finished floor level of the first floor of the dwelling). The window is to be adjusted in length (if required) to ensure compliance with the Building Code of Australia for light and ventilation.

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

Reason: In order to maintain privacy to the adjoining / nearby property (DACPLCPCC1)

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 \$20 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. **Layback Construction**

A layback 3.0 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

17. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

18. **Installation and Maintenance of Sediment Control**

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

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

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

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

19. **Stormwater Disposal**

The stormwater drainage from the development shall be connected to the street drainage system and 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)

20. **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	Minimum Pot Size
1	Tree/s selected from Council's Tree Replacement Guide available at www.warringah.nsw.gov.au or species capable of attaining a minimum height of 4 metres at maturity	Front yard	25 litre

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

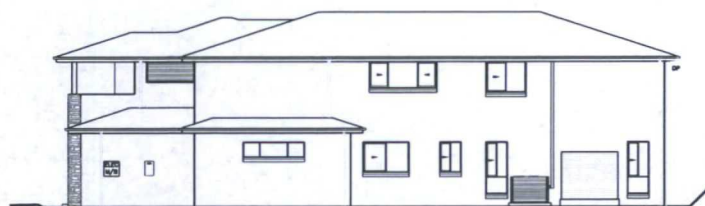
Reason: To maintain environmental amenity. (DACLAF01)

21. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)



LOT 2
D.P: 13139
L.G.A: WARRINGAH

BRICK
RESIDENCE
TILE ROOF
No 26

LOT

RAYNER AVENUE

BM 58
NAIL IN KERB
RL 69.99
(AHD)

PROPOSED
RESIDENCE
FFL R.L. 21.988
FGL R.L. 21.603

LOT 2
DP 13139
836.5m²

GARAGE
 STEPDOWN
 429mm
 FFL R.L. 21.4

TWO STOREY
BRICK
RESIDENCE
METAL ROOF
No 22

LOT 3



NEIGHBOUR'S NOTIFICATION

CLIENT'S SIGNATURE: _____

DATE: _____

I accept and understand the plans and documents
that have been provided to me by Kurmond Homes.

NOTE:
ALL DIMENSIONS ARE IN
MILLIMETERS. ALL DIMENSIONS
ARE FRAME TO FRAME. DO NOT
SCALE OFF PLANS.

HOUSE NAME:	
GLENLEIGH 45.5	
FACADE:	
VOGUE	
SPECIFICATION	
DIAMOND INCL	
SCALE	GRAPHIC (MM)
1:200	L/H

CLIENT:
EDDIE DE MARTIN
DIANA DE MARTIN

SITE ADDRESS:
LOT 2 DP 13139
24 RAYNER AVENUE
NARRAWEENA 2099

JOB No:		14174		
DRAWN: ME		DATE:	27.05.15	Rev
CHECKED: ME		SHEET:	2.4	L
AUTHORITY				

kurmondhomes
Kurmond Homes PTY LTD
10 Sovereign Place, South Windsor 2756
T: 1300 764 761 BL No. 205 457C
F: (02) 45714015 ABN 481 288 211 90
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