COUNCIL

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 27 August 2015

3 Florence Avenue Collaroy - Demolition works and Construction of a dwelling house and swimming pool

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0393

Responsible Officer:	David Auster
Land to be developed (Address):	Lot 12 DP 6952 , 3 Florence Avenue COLLAROY NSW 2097
Proposed Development:	Demolition works and Construction of a dwelling house and swimming pool
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:	Martin Anthony O'Brien
Applicant:	Martin Anthony O'Brien

Application lodged:	12/05/2015
Application Type:	Local
State Reporting Category:	Residential - Single new detached dwelling
Notified:	21/05/2015 to 05/06/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	5
Recommendation:	Approval

Estimated Cost of Works:	$ 1,329,550

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 - B1 Wall Heights
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - B7 Front Boundary Setbacks
Warringah Development Control Plan - D7 Views

SITE DESCRIPTION

Property Description:	Lot 12 DP 6952 , 3 Florence Avenue COLLAROY NSW 2097
Detailed Site Description:	The site is located on the southern side of Florence Avenue. It is regular in shape, with a width of 15.24m, a depth of 42.72m, and a surveyed area of 695.6sqm. It slopes down from rear to front, with the slope mostly confined to the southern end of the site, before flattening out towards the northern (front) end. There is an existing two storey dwelling on site, located towards the rear, with a detached single storey garage located towards the front. Surrounding development generally consists of detached dwellings, and a residential flat building to the rear.

Map:

SITE HISTORY

The land has been used for residential purposes for an extended period of time. DA2012/0062 for alterations and additions to the existing dwelling was approved by Council on 09/05/2012, however the consent has not been activated.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves demolition of the existing dwelling on site and construction of a new dwelling and swimming pool. The dwelling will be comprised of the following:

Ground floor:

- Double garage
- Guest room
- Laundry
- Storage
- Games room
- 2 x bathrooms
- Sub floor storage room
- Pool and outdoor private open space

First floor:

- Open plan living area - Kitchen/dining/living
- Front deck
- 5 x bedrooms
- 2 x bathrooms
- Rear deck
- Deck above proposed pool area

- Rear outdoor private open space

Second floor:

- Bedroom
- Bathroom
- Walk in wardrobe

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)	Division 8A 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. Clause 50(1A) 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. Clauses 54 and 109 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. Clause 92 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. Clauses 93 and/or 94 of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a

Section 79C 'Matters for Consideration'	Comments
	building (including fire safety upgrade of development). This clause is not relevant to this application. Clause 98 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. Clause 98 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. Clause 143A 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 5 submission/s from:

Name:	Address:
Esther Valerie Moon	5/7 Ocean Grove COLLAROY NSW 2097
Dr David Moon	3 / 7 Ocean Grove COLLAROY NSW 2097
Mrs Jane Murray	1 / 7 Ocean Grove COLLAROY NSW 2097
William Peter Marynissen	5 Florence Avenue COLLAROY NSW 2097
Ms Susan Emily Strath	5 Ocean Grove COLLAROY NSW 2097

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

- Front setback
- Privacy
- Solar access
- Noise
- Height
- View loss
- Landscaped open space

The matters raised within the submissions are addressed as follows:

- Front setback
  Comment:
  Concerns were raised with the proposed front setback, specifically that the front setback should conform to the building line set by the three properties to the east of the subject site (numbers 5, 7 and 9 Florence Avenue).

  The front building setback of number 5 Florence Avenue was conditioned to be no less than 5.5m under DA2005/1247 (approved by Council on 21/11/2006). The survey provided with the current application confirms this setback.

  The dwelling at number 7 is much older, and a search of Council records did not reveal the exact setback, however the survey provided in the current application indicates a front setback of 5.5m.

  The survey provided for number 9 Florence Avenue under DA2014/0369 indicates an existing front setback of 6.5m.

  The proposal under the current application involves a minimum front setback of 5.535m to the north eastern part of the first floor deck. The development is otherwise compliant with the 6.5m front setback control, and the front wall of the first floor is setback even further at 9.595m. Given these setbacks, the proposal is considered to be generally consistent with the building line created by the developments to the east, and the objection is considered to be reasonably satisfied.

  Further detailed assessment of the proposed front setback has been undertaken under clause B7 Front Boundary Setbacks in this report.

- Privacy

  Comment:

  Concerns were raised by the eastern neighbour with regard to privacy, specifically with privacy impacts caused by the front first floor deck, and the east facing first floor window to the north of the proposed fireplace. The deck and window face towards the eastern neighbour's kitchen window, which would allow views into the kitchen and open plan living area.

  The applicants have submitted an amended plan indicating a fixed external privacy screen to the window, with no more than 18.75% openings between the louvre blades. This is considered to provide an adequate screen to maintain a reasonable level of privacy from this window.

  The eastern part of the front first floor deck will also provide direct and close views into the kitchen window of number 5 Florence Court. A privacy screen is recommended by condition of consent along the eastern side of the deck, up to 6.5m from the front boundary, to be constructed of vertical blades set at 45 degrees to allow views towards the ocean to the north east, but block direct eastern views into the neighbouring kitchen window. Subject to this condition, privacy is considered to be maintained to a reasonable level, and the objection is reasonably satisfied.

- Solar access

  Comment:

  Concerns were raised by the owners of number 5 Ocean Grove to the south east of the subject site regarding the impact of shading on their children's play area, and also from one of the unit owners at number 7 Ocean Grove, directly to the south of the subject site.

  The subdivision pattern in the area means the sites are on a north/south orientation, and as such the proposed development will only overshadow number 5 Ocean Grove during the afternoon. This overshadowing is limited to the north western corner of 5 Ocean Grove, and the objector's site will continue to receive more than the required 3 hours of sunlight to at least 30sqm of their private open space in mid winter.

  The shadow diagrams provided indicate that 7 Ocean Grove will be also be overshadowed only in the afternoon. The rear landscaped area of number 7 Ocean Grove is not private open space as it is common area. The proposal will not overshadow any balconies or windows of the units at number 7 Ocean Grove, and will not reduce the sunlight to the common area to less than 3 hours in mid winter.

  The development is compliant with the overall building height control, and the proposed non-compliances with the building envelope and wall height controls (at the north eastern corner of the upper level) will not have any significant impacts on the overshadowing of numbers 5 or 7 Ocean Grove. Additionally, the proposal provides a greater rear setback (8.5m) than the 6m required by the rear setback control.

  The proposal complies with the requirements of Clause D6 *Access to Sunlight,* and a reasonable level of solar access is considered to be maintained to neighbours.

  The objections do not warrant refusal or amendment of the application with respect to solar access.

- Noise

  Comment:

Concerns were raised by one of the unit owners at number 7 Ocean Grove regarding noise from the proposed pool.

The pool is to be located near the middle of the subject site, between the front and rear elements of the new dwelling. It will be 15m from the rear boundary, and blocked by the rear part of the house. It is unlikely any significant noise impacts will be caused to the residential flat building at number 7 Ocean Grove.

Additionally, a swimming pool is considered to be a relatively normal residential use of private open space, and the use of a swimming pool is not generally considered to result in unreasonable or unexpected noise impacts in a residential area.

The issue does not warrant refusal or amendment of the application.

- Height

  Comment:

  The submissions from 5 and 7 Ocean Grove raised concerns with the height of the development, specifically in relation to the impacts on views and solar access.

  Solar access is discussed in detail above, and views are discussed in detail under Clause D7 *Views* in this report. In summary, the proposal does not result in any unreasonable impacts in respect of views or solar access.

  The development complies with the overall height limit of 8.5m, with the highest point being 8.35m at the peak of the roof of the upper level towards the rear of the site. The development is generally comfortably below the height limit.

  Given the compliance with the height control, and the not unreasonable impacts caused by the height as discussed throughout this report, the issue does not warrant refusal or amendment of the application.

- View loss

  Comment:

  Concerns were raised by the owners of number 3/7 and 5/7 Ocean Grove to the rear regarding view loss. This issue is discussed in detail under Clause D7 *Views* in this report. In summary, the proposal does not result in any unreasonable view loss, and the issue does not warrant refusal or amendment of the application.

- Landscaped open space

  Comment:

  Concerns were raised that the home to land ratio of the development seemed excessive. No Floor Space Ratio control applies to the site, however Clause D1 *Landscaped Open Space and Bushland Setting* requires a minimum landscaped area of 40% of the site. The development achieves this requirement, and is considered to be acceptable in this regard.

  The issue does not warrant refusal or amendment of the application.

MEDIATION

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

REFERRALS

<table>
<tr><th>Internal Referral Body</th><th>Comments</th></tr>
<tr><td>Development Engineers</td><td>No objection to approval and subject to conditions as recommended.</td></tr>
<tr><td>Environmental Investigations (Acid Sulphate)</td><td>
<table>
<tr><td>Was sufficient documentation provided appropriate for referral?</td><td>YES</td></tr>
<tr><td>Are the reports undertaken by a suitably qualified consultant?</td><td>YES</td></tr>
<tr><td>What class is the site in on the WLEP2011 Acid Sulfate Soils Map?</td><td>Class 4 5</td></tr>
<tr><td>Is there risk of acid sulfate soil disturbance?</td><td>NO</td></tr>
<tr><td>Will the excavations exceed the depth determined in the risk map?</td><td>NO</td></tr>
<tr><td>Does the report adequately address acid sulfate risk mitigation?</td><td>N/A</td></tr>
<tr><td>Have you considered disposal of water during excavation, pump out etc.</td><td>N/A</td></tr>
<tr><td>Have you considered disposal of contaminated soil.</td><td>N/A</td></tr>
<tr><td colspan="2">General Comments

Acid sulphate soils will not be disturbed therefore deemed to be very low risk and a management plan is not required</td></tr>
<tr><td>Recommendation</td><td>APPROVAL - no conditions</td></tr>
<tr><td colspan="2">Comments completed by: Mary Shimon

Date: 1 June 2015</td></tr>
</table>
</td></tr>
<tr><td>Landscape Officer</td><td>No objections to approval subject to conditions as recommended.</td></tr>
<tr><td>Natural Environment (Biodiversity)</td><td>There are no biodiversity comments and or conditions for the propose development</td></tr>
</table>

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

External Referral Body	Comments
	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. 629112S).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	54

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.35m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.7 Demolition requires consent	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
Part 6 Additional Local Provisions	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	7.85m	8.28%	No
B3 Side Boundary Envelope	East 4m	Breaches up to 800mm	N/A	No
	West 4m	Complies	N/A	Yes
B5 Side Boundary Setbacks	East 0.9m	1.225m	N/A	Yes
	West 0.9m	1.645m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	5.535m	14.84%	No
B9 Rear Boundary Setbacks	6m	8.535m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	40.3% (280.3sqm)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
Front Boundary Setbacks - R2	No	Yes
R2 - All other land in R2 Zone	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Rear Boundary Setbacks - R2	Yes	Yes
All other land under R2	Yes	Yes
Rear Boundary Exceptions - R2	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
Part D Design	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
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The wall height will be up to 7.85m at the northern end of the upper level of the new dwelling house.

Merit consideration:

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

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

  Comment:

  The proposed non-compliance is confined to a relatively minor part of the overall development, being the northern end of the upper level, and this non-compliance could be removed by moving the upper level further up the slope, towards the rear of the site. However, this would not reduce the visual impact of the upper level. The proposed wall height is only fractionally higher than the height of the existing dwelling, and is towards the rear of the site. It will not have any significant impact on the streetscape. The proposal is generally of a size and scale commensurate with surrounding development, and in this regard is not considered to have an unreasonable visual impact on neighbouring properties. The proposal will maintain solar access, and privacy to a reasonable level.

- *To ensure development is generally beneath the existing tree canopy level*

  Comment:

  The proposal will remain generally beneath the tree canopy level.

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

  Comment:

  This issue is discussed in detail under clause D7 *Views* in this report. In summary, the proposal is considered to maintain a reasonable sharing of views. The non-compliance with the wall height control is confined to the front (northern) part of the upper level, and will not have any significant impact on view loss, which is caused by the peak of the roof.

- *To minimise the impact of development on adjoining or nearby properties.*

  Comment:

  As assessed throughout this report, the proposal is not considered to have any unreasonable impacts on surrounding properties.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

  Comment:

  The non-compliance is due in part to the slope of the land. The non-compliance could be removed by relocating the upper level up the hill further towards the rear of the site. However this would not achieve any positive outcomes in terms of reduced impacts to neighbours, and the development is considered to adequately respond to the topography in this regard.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposal allows for a pitched roof, which will remain comfortably within the overall height limit. It is considered acceptable in this regard.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The proposed second floor will breach the envelope in the northeastern corner by between 0mm and 800mm. The first floor will breach along the central part of the northern elevation (Bed 2 and Bed 3) by 300mm. The proposed chimney will also breach the envelope on the northern side by up to 1.4m.

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 proposal is generally well within the overall height control, and despite the proposed envelope non-compliances the new dwelling is well broken up into various different elements, helping to minimise the visual massing of the development. The non-compliances are generally minor in size relative to the development as a whole, and will not cause the development to visually dominate the area. The existing surrounding development in the area is generally quite visually bulky, and the proposal will fit well within its context.

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

  Comment:
  The proposed non-compliances will not result in any unreasonable impacts to light, solar access and privacy. The shadow diagrams provided indicate that the development will maintain full compliance with Clause D6 *Access to Sunlight,* and conditions of consent will ensure privacy is maintained to a reasonable level as discussed in this report. The proposed breaches of the envelope are generally above eye level from the floor heights of the first and second floors, and will not contribute to any unreasonable privacy impacts. The development is well articulated along the side elevations and will maintain adequate spatial separation between buildings.

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

  Comment:
  The proposal generally steps down in accordance with the slope of the site, having the high point

at the rear of the site. The non-compliance at second floor level is in part due to the slope of the land down to the north east. The larger breach caused by the chimney is mainly an architectural feature (the fire place will be gas), and is relatively small. The development adequately responds to the topography.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The north eastern part of the proposed first floor front deck will be 5.535m from the front boundary. The new dwelling will otherwise comply with the 6.5m requirement. At the ground level the Guest bedroom is setback 6.535m, and the garage is setback 7.035m. The first floor front deck will be setback 6.5m for the majority of the frontage, and the front wall will be setback 9.595m.

Merit consideration:

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

- *To create a sense of openness.*

  Comment:
  The deck is an open structure, and will not unreasonably detract from the sense of openness in the area. The non-compliant element forms a relatively small part of the overall building, which will generally be setback further than the minimum requirement. The development will achieve this objective.

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

  Comment:
  The proposed deck maintains the building line formed by the development to the east at numbers 5 and 7 Florence Avenue, and is particularly similar to the adjoining development at number 5 Florence Avenue, where the north eastern decking protrudes in front of the 6.5m building line. The development is otherwise compliant with the minimum 6.5m requirement, and will generally maintain the visual continuity of the streetscape.

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

  Comment:
  There is a fairly consistent building line along the southern side of the street created by the existing development at numbers 3, 5, 7 and 9 Florence Avenue, and the proposal will be generally consistent with this established building line. The proposal is for an architecturally designed development, which will fit well within its context, and will make a positive contribution to the streetscape.

- *To achieve reasonable view sharing.*

  Comment:
  The development will maintain a reasonable sharing of views, as discussed in detail under Clause D7 *Views* in this report.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D7 Views

Merit consideration

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

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

  Comment:

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

  1. Nature of the views affected

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

  Comment to Principle 1:

  Concerns were raised regarding view loss from units 3 and 5, at 7 Ocean Grove. The views affected are water views, and include the land sea interface to the north of the subject site. The view encompasses Narrabeen Beach and Headland, and the headlands further to the North.

  Unit 3: The view affected from Unit 3 is across the subject site and includes the ocean, North Narrabeen Beach and Headland, and the headlands further to the north. It also includes some interface between land and water.

  Unit 5: The part of the view to be affected from Unit 5 is across the subject site and between the existing dwellings at 6 and 8 Florence Avenue. It includes the rocks to the south of the Collaroy Beach Pool and the interface with the water. The part affected is only a small part of the overall view, and falls between existing dwellings, allowing only a relatively small view corridor. Although that corridor includes some

land/sea interface, that part of the view is not considered to be particularly valuable in relation to the wider view of the ocean, beach and headlands.

The views from both units are similar, however Unit 5, being higher, has a greater and more expansive view to the north, and will not be impacted as heavily as unit 3. The whole northern view including the ocean, North Narrabeen Beach and Headland, and the northern headlands, is considered to be very valuable, although it is partially obscured and filtered by existing development and vegetation. Both units also have views to the east which include the ocean and Long Reef Headland, which will not be impacted upon by the development.

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 part of the views which will be affected are sitting and standing views available from the rear first and second floor units in the residential flat building at 7 Ocean Grove, and are across the rear boundary. They are across the rear and front boundary of the subject site, and across the front, rear, and side boundary of 6 and 8 Florence Avenue.

The ocean views and land/sea interface to the north are currently only available as standing views from unit 3.

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:

Unit 3: The view affected is from the two north facing bedroom windows, and from the western bedroom deck. The development will have little or no impact on the northern view from the eastern living room deck, and the view may in fact be improved by removal of the Cypress Pine in the south eastern corner of the subject site. It is noted that the views from the main living area (including living room and attached deck) will be completely unaffected by the proposal. These views include the ocean to the east and the Long Reef Headland.

The views to the north from the bedrooms and western balcony are valuable as discussed above, and will be almost completely blocked by the proposal. However, they are partially

obscured by existing development and vegetation, and are from the non-primary living areas of the unit. The removal of the Cypress Pine may allow for some greater ocean views from the bedroom windows.

Given these considerations, the view loss from unit 3 is considered to be moderate.

Unit 5: The part of the view affected is from the two northern bedroom windows, and from the western bedroom deck. Like unit 3, the development will not impact on the ocean and headland views from the eastern living room deck. The view to the east from the main living room, and to the east, north and south from the living room deck will be unaffected, and in fact be improved to the north by the removal of the existing Cyprus Pine in the south eastern corner of the subject site. As discussed above, the part of the view to be affected from the north facing bedroom windows and western bedroom deck forms a small part of the overall view, and is a part which is already partly obscured by other development. Only a small part of land/sea interface is available through a corridor between the dwellings at 6 and 8 Florence Avenue. The proposal will not impact on the larger view to the north of the wider ocean, North Narrabeen Beach and Headland, and the headlands further to the north.

Given these considerations, the view loss from unit 5 is considered to be minor.

The development will not impinge on the views from the main living areas of the units, and will only affect the views of two of the units from bedroom windows and balconies. The view loss from "the whole of the property" is therefore considered to be minor.

4. Reasonableness of the proposal that is causing the impact

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

Comment to Principle 4:

The proposal is compliant with the overall height control, and is generally well below the maximum height limit. There are other relatively minor non-compliances with the building envelope and wall height controls, but these are at the north part of the proposed upper level, and do not significantly contribute to any view loss. Similarly, the minor proposed front setback non-compliance does not significantly contribute to the view loss. The views to be affected are through the middle of the subject site, where development up to the 8.5m building height limit is the general expectation.

An alteration to the roof design could retain further views. However, given that the view loss is considered to be minor/moderate, and that the development is already comfortably compliant with the overall building height control, a change to the design is not considered to be warranted. The views available from the main living areas of the units at 7 Ocean Grove will remain

unaffected.

It is also noted that the development involves removal of the existing Cypress Pine in the rear yard of the subject site, which currently blocks a not insignificant portion of the ocean view from 5/7 Ocean Grove, and may also allow greater ocean view from unit 3.

Given these considerations, the development is considered to be generally acceptable with regard to view loss, and will maintain a reasonable sharing of views.

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

  Comment:

  Given that the development is considered to maintain a reasonable sharing of views as discussed above, the proposal is considered to be sufficiently innovative.

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

  Comment:

  No canopy trees are proposed for removal specifically to improve the views. However, the existing Cypress Pine in the rear yard of the subject site is proposed for removal, and this will allow for greater views from unit 5/7 Ocean Grove, and possibly unit 3/7 as well. This species is an exempt species, and no approval is required for its removal.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan	

Contribution based on a total development cost of $ 1,329,550		
Contributions	**Levy Rate**	**Payable**
Total Section 94A Levy	0.95%	$ 12,631
Section 94A Planning and Administration	0.05%	$ 665
Total	1%	$ 13,296

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 DA2015/0393 for Demolition works and Construction of a dwelling house and swimming pool on land at Lot 12 DP 6952, 3 Florence Avenue, COLLAROY, 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**
02 Issue A	May 2015	Gartner Trovato Architects
03 Issue A	May 2015	Gartner Trovato Architects
04 Issue A	May 2015	Gartner Trovato Architects
05 Issue B	July 2015	Gartner Trovato Architects
06 Issue A	May 2015	Gartner Trovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	**Dated**	**Prepared By**
Report on Geotechnical Site Investigation Project: 2011-183.1	April 2015	Crozier Geotechnical Consultants

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**
08 Issue A	May 2015	Gartner Trovato Architects

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

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

(c) A sign must be erected in a prominent position on any site on which building work,

subdivision work or demolition work is being carried out:

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

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

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

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

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

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

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

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

A. the name of the owner-builder, and

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

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

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

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

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

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise

Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

i) Building/s that are to be erected
ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
iii) Building/s that are to be demolished
iv) For any work/s that is to be carried out
v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

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

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

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

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

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

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in

sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

(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)

4. **No approval for solid fuel heater**
No approval is given for a solid fuel heater under this consent.

To minimise air pollution. (DACPLBOC1)

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 $ 1,329,550		
Contributions	**Levy Rate**	**Payable**
Total Section 94A Levy	0.95%	$ 12,631
Section 94A Planning and Administration	0.05%	$ 665
Total	1%	$ 13,296

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 $10,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result

of construction or the transportation of materials and equipment to and from the development site.

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

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

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.

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

7. **Stormwater Disposal**
Engineering Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the kerb and gutter system in Florence Avenue.

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 arising from the development. (DACENC06)

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. **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. **Tree protection**

(a) Existing trees which must be retained
All trees not indicated for removal on the approved plans and all street trees

(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)

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**

*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. **Privacy Screen**
A 1.8 metre privacy screen (measured from finished floor level) is to be erected on the outermost eastern edge of the deck located off the first floor living room as shown on the approved plans. The screen is to extend from the northern end of the eastern wall of the living room to the 6.5m front setback line shown on the approved plans.

The privacy screen shall be of vertical fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. The vertical blades must be angled at 45 degrees to allow views towards the ocean to the north east, but to block views directly to the east towards the eastern neighbour.

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. (DACPLC06)

14. **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)

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. **Vehicle Crossings**
The provision of one vehicle crossing four metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications.

The vehicle crossing is to be centrally located with respect to the centreline of the proposed garage to allow vehicles to enter and exit the development site perpendicular to the flow of traffic in Florence Avenue and optimise on-street parking.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory “Vehicle Crossing Inspection” card issued.

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

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

17. **Layback Construction**
A layback four 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)

18. **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)

19. **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. (DACLAE03)

20. **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

21. **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.

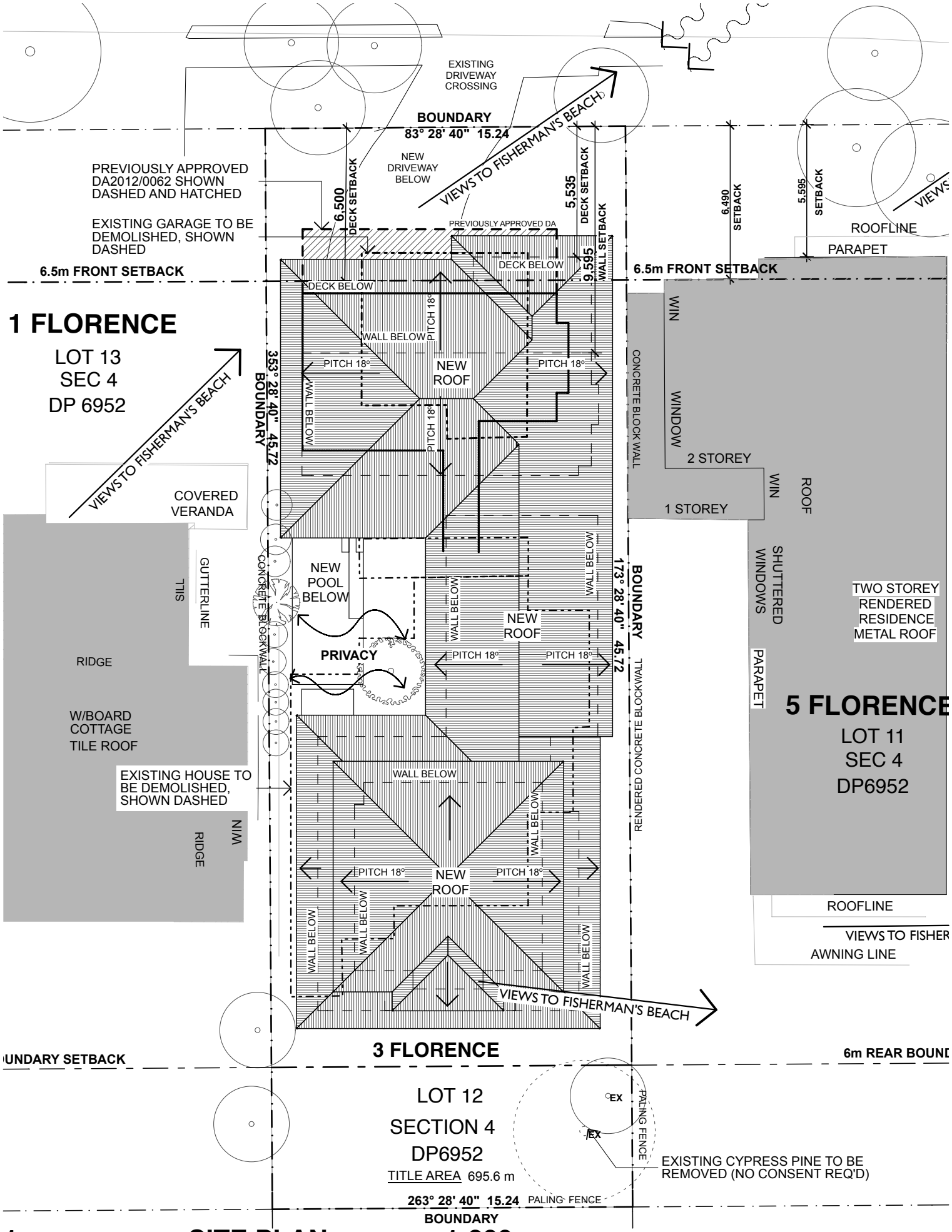
Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

22. **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. 08 Issue A prepared by Gartner Trovato	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)



1 SITE PLAN 1:200

Plot Date: 12/05/2015

GARTNERTROVATO ARCHITECTS
A 47/90 MONA VALE ROAD
PO BOX 1122
MONA VALE, NSW 2103
P +612 9979 4411
F +612 9979 4422
E GTA@G-T.COM.AU

Project : NEW HOUSE 3 FLORENCE AVENUE, COLLAROY		Drawn/Designed : SG/NS	Date : MAY 2015
Client : MR AND MRS O'BRIEN		Project Number : 1415	Scale : AS SHOWN @ (A4)
Drawing : NOTIFICATION PLAN 1/2		Drawing No. : 09	Issue : A

GARTNERTROVATO ARCHITECTS
A 47/90 MONA VALE ROAD MONA VALE, NSW 2103
PO BOX 1122 MONA VALE, NSW 2103
P +612 9979 4411
F +612 9979 4422
E GTA@GTA.COM.AU

Project : NEW HOUSE
3 FLORENCE AVENUE, COLLAROY

Client : MR AND MRS O'BRIEN

Drawing : NOTIFICATION PLAN 2/2

Drawn/Designed : SG/NS

Project Number : 1415

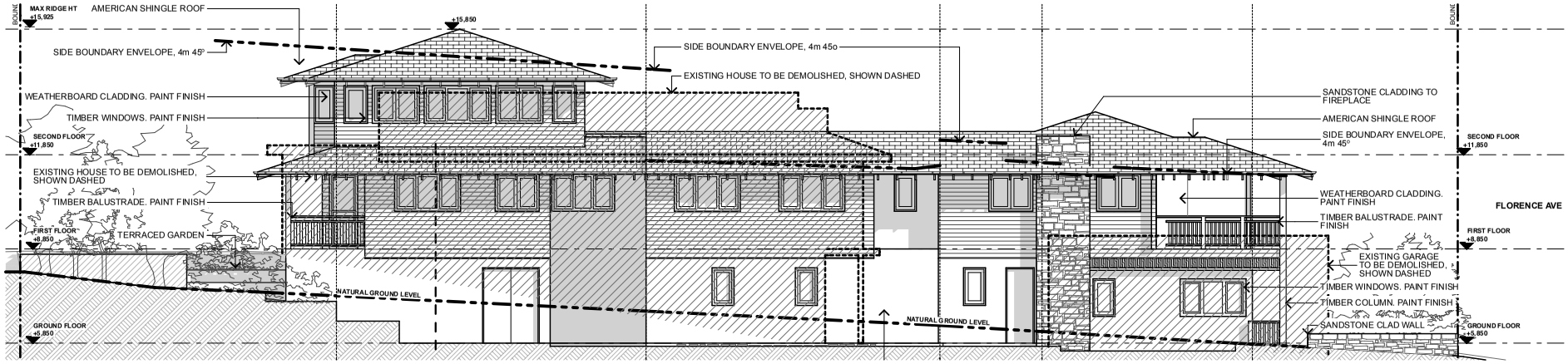
Drawing No. : 10

Date : MAY 2015

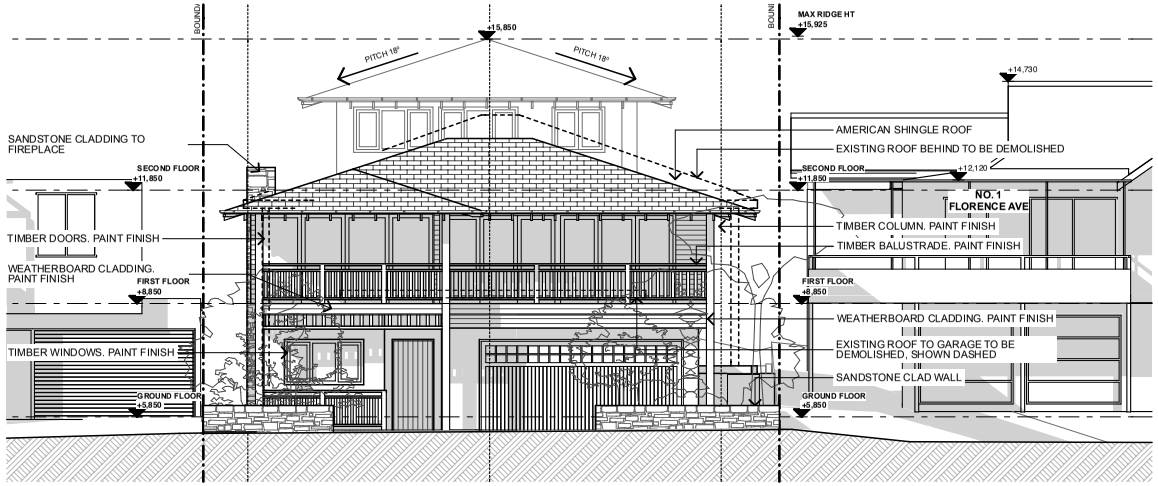
Scale : AS SHOWN @ (A4)

Issue : A

Plot Date: 12/05/2015



1 EAST ELEVATION 1:200



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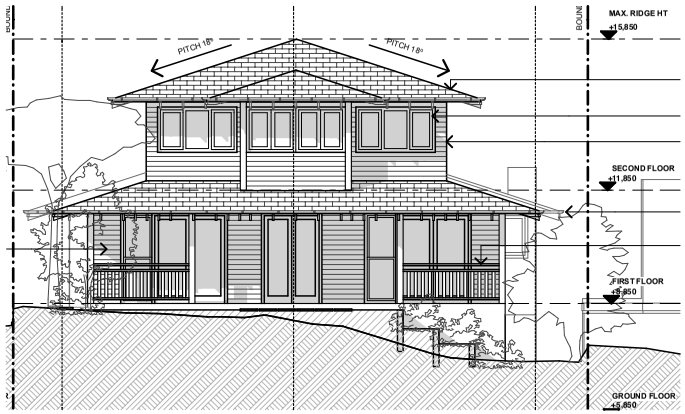

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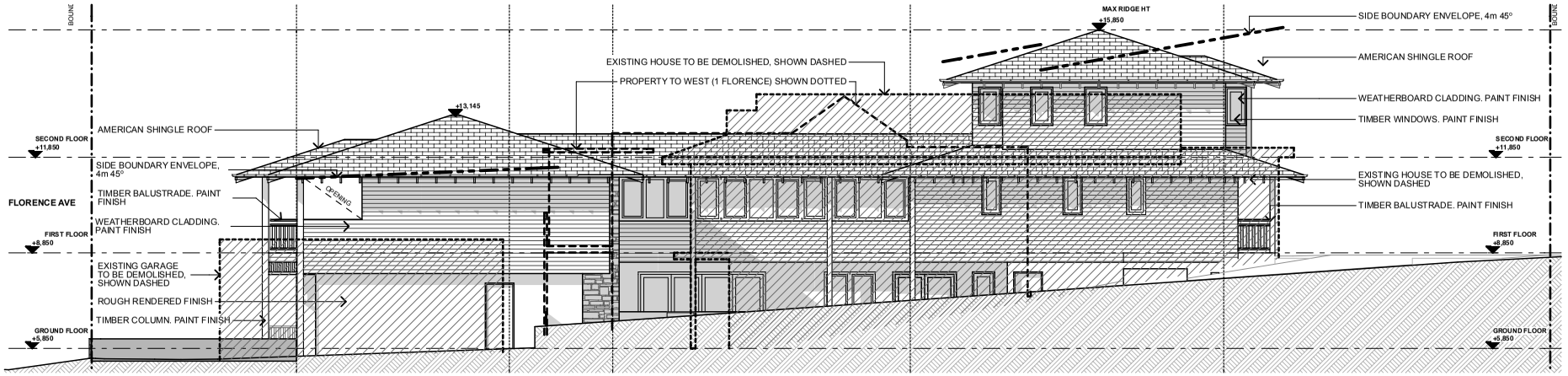

4 WEST ELEVATION 1:200