

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 10 September 2015

107 Headland Road North Curl curl - Alterations and additions to a dwelling house

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2015/0427
Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 11 DP 10571 , 107 Headland Road NORTH CURL CURL NSW 2099
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warrarah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Aaron Mark Greaves Heather Lo Rae Greaves
Applicant:	Boston Blyth Fleming Pty Ltd
Application lodged:	20/05/2015
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	22/05/2015 to 06/06/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	6
Recommendation:	Approval
Estimated Cost of Works:	\$ 938,348

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 - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D7 Views
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 11 DP 10571 , 107 Headland Road NORTH CURL CURL NSW 2099
Detailed Site Description:	<p>The site is on the southern side of Headland Road and has an area of 666.9 sqm, having a near rectangular shape including a width of 12.02m and maximum depth of 55.76m. The land slopes steeply toward the rear, with two (2) terraces midway within the property. A part two storey detached dwelling is situated on the site with a swimming pool in the rear setback.</p> <p>Surrounding development includes detached style housing in landscape settings. Many properties along Headland Road have panoramic views toward Curl Curl coastline, North Head and the Sydney city skyline.</p> <p>There are no significant trees on the site or heritage items. The land is classified having "Area A" and "Area B" landslip risk.</p>

Map:



SITE HISTORY

Building Application No.C1136/67 for a brick dwelling was approved by Council in 1967. The proposal is for alterations and additions to this house.

Development Application No.DA2013/0125 for alterations and additions and construction of a swimming pool was withdrawn by the applicant on 27/3/2013.

Pre-Lodgement Meeting No.PLM2013/0075 for alterations and additions to a dwelling house was held on 23/7/2013.

Development Application No.DA2013/1132 for alterations and additions to a dwelling including fencing was withdrawn on 25/11/2013.

PROPOSED DEVELOPMENT IN DETAIL

The proposal includes the following works:

- Part demolition of existing house and excavation works for site preparation and extensions;
- Construction of a new upper floor and rear alterations to the existing part two-storey house, configured as:

RL38.65: Pool storage area;

RL42.1: Lower Floor: Bedrooms (2), storage, wine cellar, sub-floor space, laundry, bathroom deck, lift and stair access;

RL44.76: Ground Floor: Living room, kitchen, family room, bathroom, laundry, deck, bedroom and study, garage, entry, storage, lift and stair access;

RL47.7: First Floor: Parents retreat, master bedroom, bathroom, storage, balcony, lift and

stair access;

RL51.5: Roof: Colorbond metal skillion roof;

- Vehicular access to the proposed garage will be directly from Headland Road using the existing driveway and garage;
- Landscaping, stormwater drainage and ancillary site works.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><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.</p> <p><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.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home</p>

Section 79C 'Matters for Consideration'	Comments
	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.
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	Subject to conditions 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 6 submission/s from:

Name:	Address:
Mr Jim Simon Stefan Stella Stefan	86 Headland Road NORTH CURL CURL NSW 2099
Mr Gary Robert Brewer	88 Headland Road NORTH CURL CURL NSW 2099
Mr Jim Stefan	86 Headland Road NORTH CURL CURL NSW 2099
Urbanesque Planning Pty Ltd	Suite 16, 895 Pacific Highway PYMBLE NSW 2073
Mrs Natalie Dawn Bindon	90 Headland Road NORTH CURL CURL NSW 2099
DFP Planning Consultants	PO Box 230 PENNANT HILLS NSW 1715

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

- View loss
- Building bulk and height
- Overshadowing
- Site analysis
- Visual impact

The matters raised within the submissions are addressed as follows:

- *Concern that the height and scale of the building will create view loss impacts on properties to the side and opposite including No.109 Headland Road and No.86 to No.90 Headland Road.*

Comment: View sharing issues are addressed under the merit assessment details within *Part D7 Views* of this report. A site inspection of the site and adjacent land was made on 22 July 2015 and photos were taken for the surrounding views and streetscape. An internal inspection was made of No.107 Headland Road as the rear elements of the building are close to each other between window spaces. The view impact is assessed as being minimal, subject to conditions, as the visual profile of the proposed building, in the context of the adjacent development and by way of view opportunities avoids more severe impacts. As such the need to erect height poles was not considered warranted since photomontage, plans and other site photo's enable view impact appreciation.

A reduction in the spear point roof line at the rear of the dwelling is warranted from the view analysis. A reduction in the roof height or change in style is not considered warranted as the building presents as two-storey to the street frontage with the upper storey having minor non-compliant elements on the leeward side (southern side) of the building. The upper storey is also off-set and comprises the master bedroom/parents retreat only and is not inconsistent with other two storey dwellings in the streetscape.

In summary, the proposal is not considered to have an unreasonable impact on views for properties that overlook the site, subject to conditions.

Therefore, this issue does not warrant refusal of the application.

- *Concern that the building bulk and height do not comply with the Warringah DCP.*

Comment: The proposal appears as a two storey building to properties that overlook the site (from the north-west) and the non-compliances with the building envelope and wall height are relatively minor breaches (300mm or less), noting also that the work involves retaining some substantial elements of the existing dwelling house, including existing floor/ceiling levels. The assessment of building bulk and scale are discussed in the context of merit assessment under *Part B1 Wall Height* and *Part B3 Side Boundary Envelope* within this report. While the dwelling, garage and driveway has a site coverage exceeding 50%, a near compliant landscaped open space area (38%) will be provided. Building articulation and variation in materials are used to provide visual interest, including planter boxes for balcony areas facing the street. The site has a

narrow frontage of 12.02m and the existing building footprint, driveway and garage are being retained. The non-compliance with the front setback is considered in detail under *Part B7 Front Boundary Setbacks* within this report. Overall, it is not considered that the building bulk and height create unreasonable amenity impacts on the streetscape or surrounding land.

Therefore, this issue has been addressed by the design and does not warrant refusal of the application.

- *Concern that the building will create overshadowing to adjacent dwellings and private open space.*

Comment: Shadowing details are illustrated on the plans No.S4, S5 and S6 drawn by *Sally Gardner Design & Draft* dated March 2015. The plans demonstrate compliance with the Warringham DCP 2011 *Part D6 Access to Sunlight*, between 9am and 3pm on the 21 June. The building height, bulk and envelope have been considered under a detailed merit assessment within this report to ensure no unreasonable impacts on solar access to adjacent land.

In summary, this issue does not warrant refusal of the proposal and does not create any unreasonable amenity from overshadowing.

- *Concern that the site analysis is inadequate to address views and impacts of the roof line for overlooking the site from No.86 Headland Road.*

Comment: Detailed view analysis is provided within the view assessment section *Part D7 Views* of this report. Site analysis demonstrates constraints and opportunities for the development of the land, including location of the existing dwelling, opportunities for views, winter and summer solar access, coastal breezes, existing and proposed building footprint to landscaping areas, and survey detail for elements of interest to the site in the context of adjoining dwellings. The context and analysis for the design is also considered in the applicant's Statement of Environmental Effects.

In summary, view impacts are considered in detail within this report and the site analysis detail provided does not warrant refusal of the proposal.

- *Concern that the proposal will have an adverse visual impact on the streetscape.*

Comment: The proposal involves a first floor addition, minor alterations to the garage width, extension at the rear of the dwelling and some basement excavation's. The existing levels of the floor to ceiling heights will be retained and a skillion roof form is proposed for the new upper storey. Overall the dwelling appearance will change from a traditional brick walled building with a hipped roof, to a contemporary style, similar to a number of new and renovated dwellings in the street. The building maintains the existing setbacks and compliance with the DCP as far as practicable with relatively minor non-compliances to the height, envelope and the front setback. The use of landscaping is integrated into the building design to provide visual screening and interest to the public entry area and front terrace. Building bulk is addressed by wall articulation, the use of window fenestration, various materials and colours to provide visual interest. It is considered the proposal will not have an unreasonable impact on the streetscape in the context of the progression of residential development in the street and objectives of the Warringham DCP and R2 Low Density Residential Zone.

In summary, this issue does not warrant refusal of the proposal.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	<p>The proposed development is for alterations and additions and as such will not require on-site stormwater detention (OSD) in accordance with Council's Streamlined Method in Council's OSD Technical Specification. The subject property falls to the rear and as such drainage for the site is to be in accordance with Council's Stormwater Drainage: From Low Level Properties Policy. This policy outlines the steps required to be followed for the method of stormwater disposal. A condition for this requirement is provided. Evidence of the satisfaction of the steps of this policy have not been submitted with the application and as such the submitted drainage plan cannot be assessed or approved with the application.</p> <p>The existing driveway crossing is to remain which is satisfactory.</p> <p>No objection to approval, subject to conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>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.</p>

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. A206623 dated 1 April 2015).

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

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

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.

Other Service Authorities

Sydney Water issues are addressed by condition. The proposal is not required to be referred to the *Roads and Maritime Service* and no other service infrastructure issues have arisen pursuant to the SEPP.

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600 sqm	666.9 sqm (Existing Lot)	N/A	Yes (No change)
Height of Buildings: (RL51.56)	8.5m	8.46m (EGL from survey)*	N/A	Yes

*Basement area included. The skillion roof is within the centre area, where existing ground level (EGL) is only partly excavated (RL43.1) and higher than the remaining existing basement which consists of a rocky sub-floor.

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
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	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	8.0m	11%	No*

B3 Side Boundary Envelope - West	45 degrees at 4m	Complies (Eaves and corner of wall <300mm)	N/A	Yes (Permitted by exception)
B3 Side Boundary Envelope - East	45 degrees at 4m	Breaches envelope (Up to 1.5m for part wall and eaves for upper floor)	N/A	No*
B5 Side Boundary Setbacks - West	0.9m	1.3m to 4.3m	N/A	Yes
B5 Side Boundary Setbacks - East	0.9m	1.4m to 2.4m	N/A	Yes
B7 Front Boundary Setbacks (Headland Road)	6.5m	4.1m to 5.5m (Dwelling)	N/A	No*
B9 Rear Boundary Setbacks	6.0m	4.7m (Existing pool) 17.3 (Dwelling)	N/A	Yes (No change) Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (266sqm)	38.8% (259sqm)	2%	No*

SQM = area in square metres. *Refer to merit assessment within this report for non-compliances with Wall Height, Side Boundary Envelope, Front Boundary Setback and LOS.

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
B5 Side Boundary Setbacks	Yes	Yes
Side Setback Exceptions - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	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
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The maximum wall height is 7.5m, and the proposal has a non-compliance for the side wall for part of the eastern and western elevation of the building.

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 non-compliance with the wall height control is confined to the where the side wall steps steeply down the site. The non-compliance is approximately midway along the side wall and therefore has no prominent impact on the streetscape. Overall the building complies with the maximum height limit and combined with the wall articulation and a skillion roof to provide a low profile for the master bedroom area. The proposal relies on the existing floor to ceiling levels for the alteration and additions which influences the wall height as the building steps down the site. Overall it is considered the proposal has no unreasonable visual impact on surrounding properties or views from adjacent properties or public land. The building is not readily visible from the coastal zone and offshore as it blends with the surrounding development on higher ground immediately north and north-west of the site when viewed from Curl Curl Lagoon or the Curl Curl coastal reserve.

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

Comment:

The building height is consistent with and generally lower than the surrounding tree canopy in the vicinity of the site as the land falls steeply away from the road at the rear of the site. The building presents as two storeys to the street, which is consistent with canopy tree level in the local area.

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

Comment:

The non-compliance with wall height will have no unreasonable impact on view sharing from adjacent public land (road reserve) or surrounding private property. Refer to view sharing assessment provided under *Part D7 Views*, within this report.

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

Comment:

The variation to the wall height will not have adverse impact on the adjoining and surrounding development.

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

Comment:

The site is already excavated for the lower floor and some further minor excavation's are proposed as part the renovation and additions at the rear of the building. The building is below the overall height limit and the skillion roof style assists to minimises view loss to dwellings that overlook the site to (from the opposite side of Headland Road) in response to the topography. The new excavation work does not have a significant influence on the non-compliance with the wall height.

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

Comment:

The building is of a contemporary style with a skillion roof form. Variation and visual interest (including light and ventilation) is included by the cloister windows, wall articulation and variation in materials and innovative use of internal space for natural light, thermal comfort and ventilation.

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

A maximum 300mm section of the along upper corner of the eastern elevation (kitchen / dining room wall) breaches the building envelope, as well as as up to 1.5m along the upper section of the western elevation (master bedroom wall) for the upper floor level.

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 breach of the side boundary envelope is for a minor section of the eaves including a 300mm triangular section of the dwelling on the lower western side of the property. This is permitted for first floor additions under the DCP exceptions criteria. The breach along the upper floor level for the eastern wall of the master bedroom larger is most pronounced where the site ground level steps steeply down and the master bedroom wall step out toward the side boundary. The upper floor also covers less than half the building footprint. The breach of the building envelope is not a visibly dominant section of the building in terms of elements that exceed the wall height or are bulky elements since the building presents as two-storeys to the street.

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

Comment:

The dwelling has an southerly outlook over Curl Curl and many surrounding private open space areas between properties overlook adjacent land due to the steep terrain along the southern side of Headland Road. Therefore the non-compliance will create no unreasonable impact on privacy that is significant to the existing privacy and openness at the rear of the property. The side elevations along the proposed building have used narrow highlight windows or etched glass to protect privacy between No.105 and No.107 Headland Road. The side setbacks conform to the

existing building footprint and do not created unreasonable spatial separation. The submitted shadow diagrams prepared by Sally Gardner Design and Draft demonstrate the building complies with solar access requirements under the DCP.

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

Comment:

The upper floor of the building is stepped in from the side boundaries by 1.4m to 2.4m with the top level containing the master bedroom / parents retreat, bathroom, lift, storage and stair access with a terrace. Living areas are confined to the ground floor and lower ground floor to take advantage of the existing floor levels of the dwelling and south east aspect that affords broad views toward the ocean (Curl Curl coastal area). Habitable floor levels are between 2.4m to 2.7m and are therefore not excessive and assist to minimise overall height and bulk.

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

B7 Front Boundary Setbacks

Description of non-compliance

The front building setback includes a partial encroachment of 2.4m (37%) on the western side of the garage including forward section of the new front balcony & planter box above the garage.

Merit consideration:

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

To create a sense of openness.

Comment:

The proposed balcony encroachment is a minor forward element and does not adversely affect the existing streetscape. The garage will remain on the existing approved setback and is being widened to accommodate two cars. An open side porch is also proposed for all weather access at the front door entry area. Therefore, the widening of the garage and terrace does not have an unreasonable impact on openness of the street.

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

Comment:

The garage is setback 5.5m to 4.3m and is influenced by the existing garage walls being retained. The terrace above the garage is to be setback the same distance and contains a planter box for screening of the terrace. The setbacks along Headland Road near the site vary due to the road alignment, subdivision

pattern and steep topography. However, the setback proposed will not have an adverse impact on the pattern of development or landscape elements in the vicinity of the site.

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

Comment:

Garages located in the vicinity of the site are also commonly wider than 50% of their property width due to the narrow lot widths. Therefore, the proposed building is not inconsistent by comparison to the visual quality where houses are being replaced or substantially renovated. Visual quality of the streetscape will not be unreasonably affected when viewed from surrounding land and public spaces.

To achieve reasonable view sharing.

Comment:

The non-compliance with the front balcony setback to Headland Road will have no unreasonable impact on view sharing as coastal views are generally from the rear of the site.

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

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The site is required to maintain 40% landscaping and has 38.8% landscaped open space (259sqm).

Merit consideration

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

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

Comment:

The proposal involves alterations and additions to the existing dwelling and therefore the current driveway and garage location and front entry position will remain. A pocket of landscaping is to be retained but due to the narrow frontage and widening of the garage some landscaped space is to be removed. New landscaping is proposed in the form of a planter box above the garage to enhance the appearance of the streetscape. The site is lower than road level and is overlooked by properties opposite the site which obtain coastal views. The planting of new canopy trees in the front setback would eventually obstruct those views and is therefore not recommended in this case.

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

Comment:

The main component of landscaping on the site is at the rear of the property. This grass and garden area will remain relatively unchanged and therefore the principal landscaping will be conserved to retain existing vegetation and garden areas for habitat for wildlife.

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

Comment:

Sufficient space is retained within the front setback for low and medium height shrubs to enhance the landscaping area adjacent the driveway/front entry area. The principal landscaping area however is within the rear yard where the single largest landscaping space of 105 sqm is available for small, medium or large plantings to screen the rear of the building and mitigate building bulk whereby the building steps down the site across three levels due to the steep slope.

- *To enhance privacy between buildings.*

Comment:

There are no significant privacy issues for the front setback of the building to require canopy trees to enhance privacy as the building presents as part two / part three storey and the internal configuration assists natural internal privacy for living areas.

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

Comment:

The existing rear yard contains a swimming pool, lawn areas and garden spaces that will be retained. These areas, combined with the new deck and terrace areas at the rear of the dwelling will accommodate appropriate outdoor space for opportunities that meet the needs of the occupants.

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

Comment:

The property will maintain adequate space for service functions since the alterations and additions include new wide terrace and deck areas at the rear of the dwelling that are a functional and usable space to the alternative of having to go down one or two storey levels to reach the back yard area. The back yard area however is sufficiently large to accommodate service functions and meet the domestic needs of the occupants for clothes drying and the like.

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

Comment:

The proposal does not require on-site detention however new drainage works will be required to ensure proper management of stormwater.

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

D7 Views

Merit consideration

With regard to the consideration of view impacts, 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:

The views affected are water views of the coastal waters and coastal fringe and principally affect properties opposite the site (north-west) but include side views from adjacent land (No.109 Headland Road) where the view is at an acute angle across the side boundary. The principal properties affected are No.86 to No.90 Headland Road which overlook the site from higher ground on the opposite side of the road and a site inspection was made of the surrounds to evaluate the broad views available. A specific site inspection was made from No.109 Headland Road (main living area) also. This property has an extensive vantage point to view across the site in the context of its common boundary and the general relationship to the coastal views available from the ridge line topography. Photos of the views from No.109 Headland Road and surrounds were taken on the 22 July 2015 near midday and during fair weather. The broad view is expansive (taken from an outside standing position) and extends from North Curl Curl to the Sydney CBD skyline, but the general focal interest is toward the Curl Curl foreshore, with the ocean beyond. Other properties opposite the site also have expansive views, from mid level and

upper floor with details raised for view loss concerns made within the submissions received.

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:

Good views are obtained from dwellings opposite the site where floor levels are above RL48.0 since below this level existing obstructions at ground level from structures such as fencing, telegraph poles, outbuildings and vegetation is more prevalent. Good vantage points are available from decks and balconies that face the street and are connected to living rooms and the like. Some views are available from sitting and standing positions from the interior and outside areas for No.86 to No.90 Headland Road. The outlook is also across a wide angle since the building separation created by Headland Road includes other surrounding development that forms part of the view / outlook. The views are considered to be valuable views because the dwellings are configured to capitalise on the elevated coastal outlook even though they include a street outlook. With specific reference to No.109 Headland Road the view is across a side boundary and there are numerous vantage points from the living areas and rear terraces to observe the view from both sitting and standing positions. Again the view is considered to be valuable as the command a wide vista. In this case the proposal maintains a consistent rear boundary line and the intrusions are relatively minor or moderate in the context of the entire view opportunities available.

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 subject proposal is to be built over the existing building footprint and will mostly impact a minor component of the broad view of the ocean. A minor section of the landward side of the coastal zone view will be affected, and from various vantage points includes district views of the urban landscape. Thus, in the context of the expansive views available from different positions and location's within the overlooking properties the context of the view impact is considered to be minor as the views will not significantly obstruct ocean views, beach views, headland views or views of the city skyline.

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 element of the proposal causing the view impact is generally the roof element for the upper storey, for properties no.86 to 90 Headland Road, on the opposite side of Headland Road. A view intrusion is also created by the spear-point roof element for the living room deck (at the rear) for No.109 Headland Road. The land along Headland Road falls steeply in places toward the south and therefore the non-compliances (identified within this report) for the built form controls, relating to wall height and building envelope, are accentuated at the rear half of the building. The extent of the non-compliance with the wall height and building envelope are relatively minor in the context of the extent of the wall planes and there are no view loss issues associated with the garage non-compliance with the front setback control. Overall the view impact is regarded as minor for dwellings, No.86 to 90 Headland Road, on the opposite side of Headland Road. For No.109 Headland Road the extent of the spear-point roof line intrudes into the view line and a minor change (reduction by 1.0m from the southwestern corner / edge) to setback this roof element over the balcony will have a positive impact on view sharing for views across the side boundary toward the coastal zone of Curl Curl beach. Therefore, a condition is recommended for increase in the rear setback (by 1.0m) for the roof elements (RL47.46) over the rear balcony (RL44.76).

It is considered that on balance the view loss for No.109 Headland Road is minor.

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

Comment:

The proposed roof is of a contemporary style and being a skillion shape assists in maintaining views for overlooking properties. The cloister windows serve functions for natural light and ventilation and to provide an innovative design solution for thermal control that also provides visual interest to the roofline, without being a significant intrusion to overlooking properties.

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

Comment:

There are no significant trees on the property that affect view sharing issues and the proposed landscaping plan generally contains low coastal species in the rear yard. No change to the proposed landscaping is recommended.

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.

D8 Privacy

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 the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

Comment:

The proposal involves alterations and additions, including a first floor addition, basement excavation, additions at the rear and alterations to widen the garage. Privacy screens are proposed to assist external privacy and highlight windows/obscure glass to maximise privacy along the side walls. The topography of the surrounding land creates unavoidable overlooking between the site for outdoor areas. The desire to capitalise on coastal views from decks and terraces also offsets privacy between dwellings since views are generally across side boundaries and many dwelling overlook each other due to variation in site levels/floor levels.

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

Comment:

The proposal includes living areas to the rear in a similar pattern / configuration to other adjacent dwellings. The design is consistent with new development in the area to provide innovative designs to capitalise on coastal views.

- *To provide personal and property security for occupants and visitors.*

Comment:

The site will maintain reasonable security since the property is fully fenced and has gated access to the site to provide personal security to occupants.

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

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

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

Comment:

The proposal has minimised non-compliances with the built form controls and used opportunity to keep the existing dwelling but undertake substantial renovation's to modernise the building and create a contemporary home. The new building will include a skillion roof with master bedroom on the first floor and add new rooms and balconies at the rear to improve living areas and capitalise on coastal views. The completed building will be consistent with the height and bulk and appearance of other modernised homes in the street.

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

Comment:

The existing subdivision pattern in Headland Road is dominated by many long narrow lots that have views toward the coastal zone. This creates a development pattern that is influenced by the steep terrain and desire to capitalise on views. The proposal involves alterations and additions to the existing building and therefore the depth, scale and building bulk is consistent with adjacent buildings.

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

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

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 \$ 938,348	

Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 8,914
Section 94A Planning and Administration	0.05%	\$ 469
Total	1%	\$ 9,383

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 DA2015/0427 for Alterations and additions to a dwelling house on land at Lot 11 DP 10571, 107 Headland Road, NORTH CURL CURL, 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
S1 Site Plan and Calculations	March 2015	Sally Gardner Design and Draft
A1 Roof Plan	March 2015	Sally Gardner Design and Draft
A2 Upper Floor Plan	March 2015	Sally Gardner Design and Draft
A3 Ground Floor Plan	March 2015	Sally Gardner Design and Draft
A4 Lower Floor Plan	March 2015	Sally Gardner Design and Draft
A5 Pool Store	March 2015	Sally Gardner Design and Draft
A6 Elevations Sheet 1	March 2015	Sally Gardner Design and Draft
A7 Elevations Sheet 2	March 2015	Sally Gardner Design and Draft
A8 Elevations Sheet 3	March 2015	Sally Gardner Design and Draft
A9 Elevations Sheet 4	March 2015	Sally Gardner Design and Draft
A10 Long Section A	March 2015	Sally Gardner Design and Draft
A11 Section Sheet 2	March 2015	Sally Gardner Design and Draft
N2 Colours Schedule/Window Schedule	March 2015	Sally Gardner Design and Draft

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Report MN28636D	29 January 2015	Jack Hodgson Consulting
Basix Report A206623	1 April 2015	Sally Gardner Design and Draft

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

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

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

Waste and Demolition Management Plan		
Drawing No.	Dated	Prepared By
S3 Site Management Waste, Sediment and Erosion Control	27/4/2014	Sally Gardner Design and Draft

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

2. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The south-western corner and southern eave-line of the roof element at RL47.66 to RL48.76 above the ground floor tiled deck (RL44.66) is to be setback an additional 1.0 metre from the southern boundary, and transitioned (angled) toward the existing setback for the south-eastern corner of the same roofline; and
- The "1.0m high wall" balustrade shown on the plans for the rear deck, at RL44.76, is to be transparent glass.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises view impacts in accordance with WDCP. (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 \$ 938,348		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 8,914
Section 94A Planning and Administration	0.05%	\$ 469
Total	1%	\$ 9,383

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 from Low Level Property**

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

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

8. **Structural Adequacy and Excavation Work**

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

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

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

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

Reason: Safety. (DACENC19)

9. **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) 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)

10. **External Colours and Materials (Dwellings)**

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)

11. **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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

13. **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

14. **Stormwater Disposal**

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

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

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

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

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

15. **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.

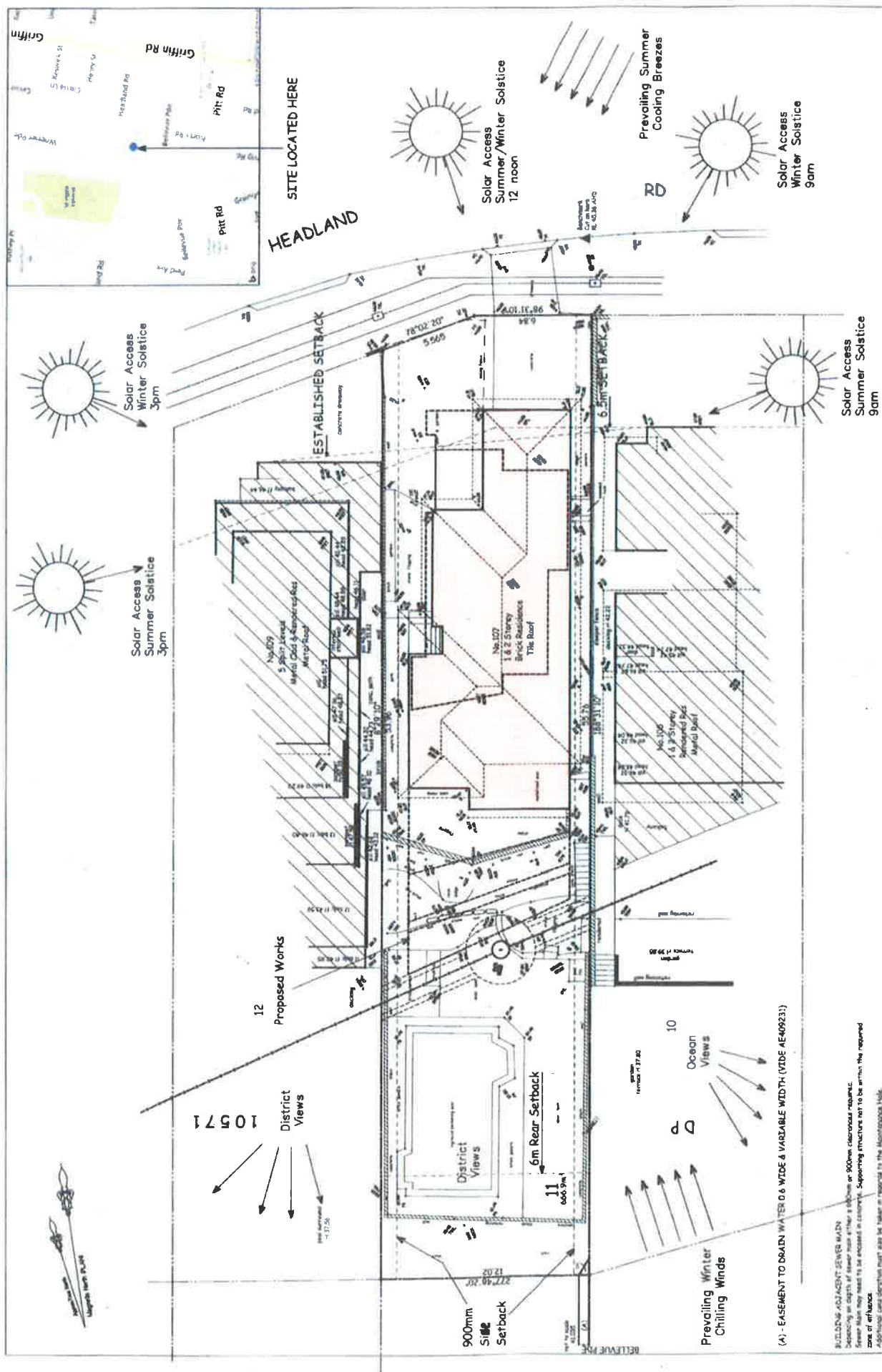
Reason: To ensure bushland management. (DACPLF01)

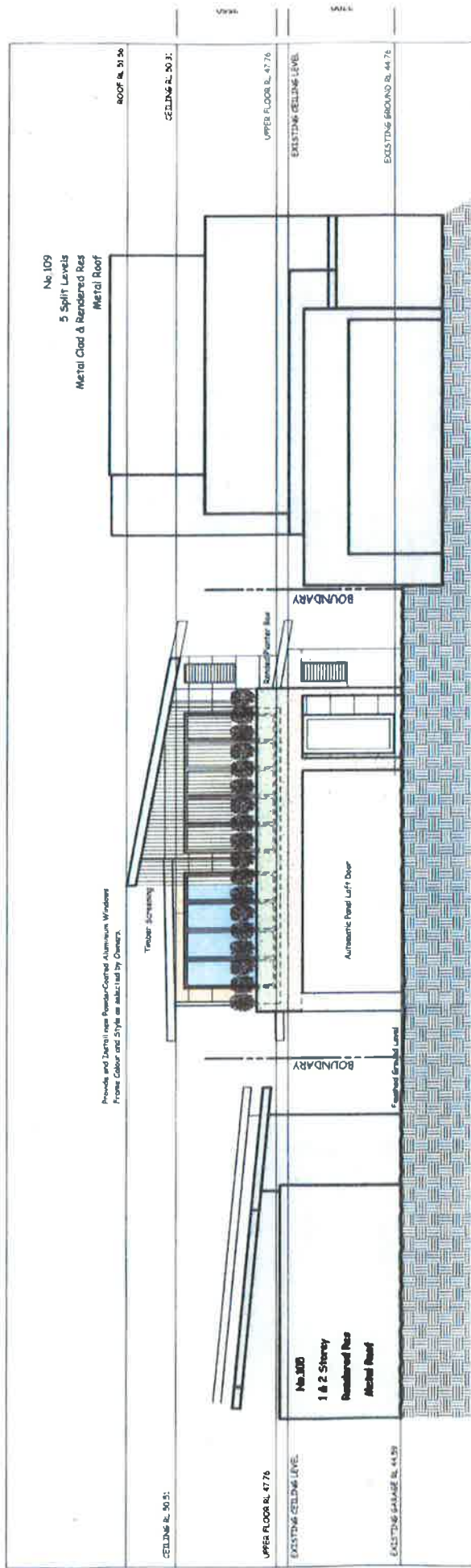
16. **House / Building Number**

House/building number is to be affixed to the building or letterbox and to be readily visible from the public domain.

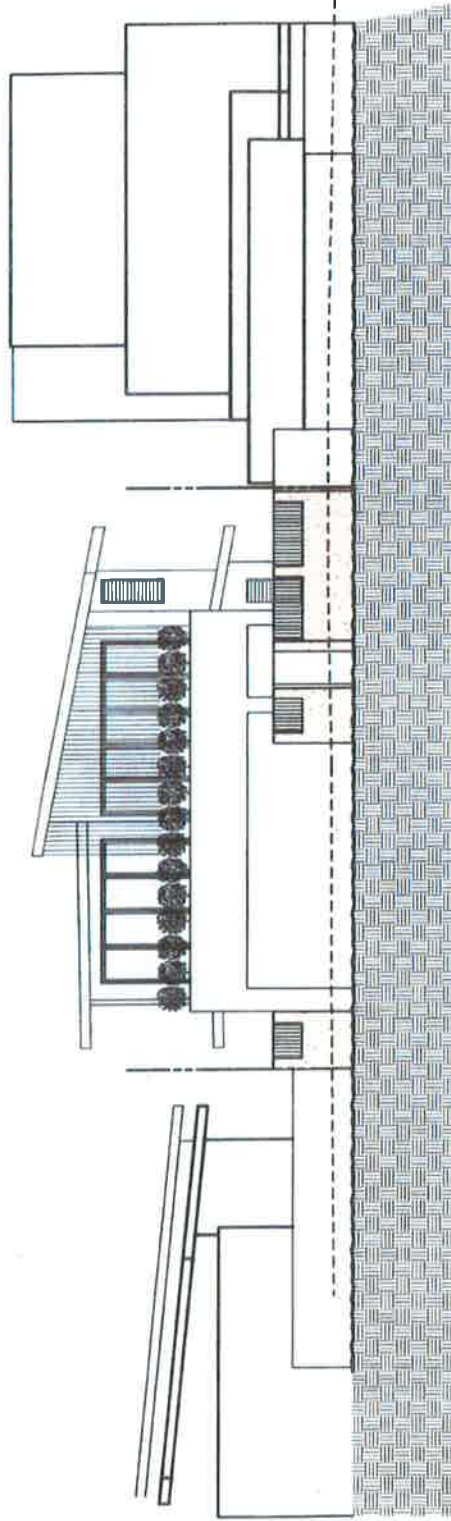
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings. (DACPLF04)



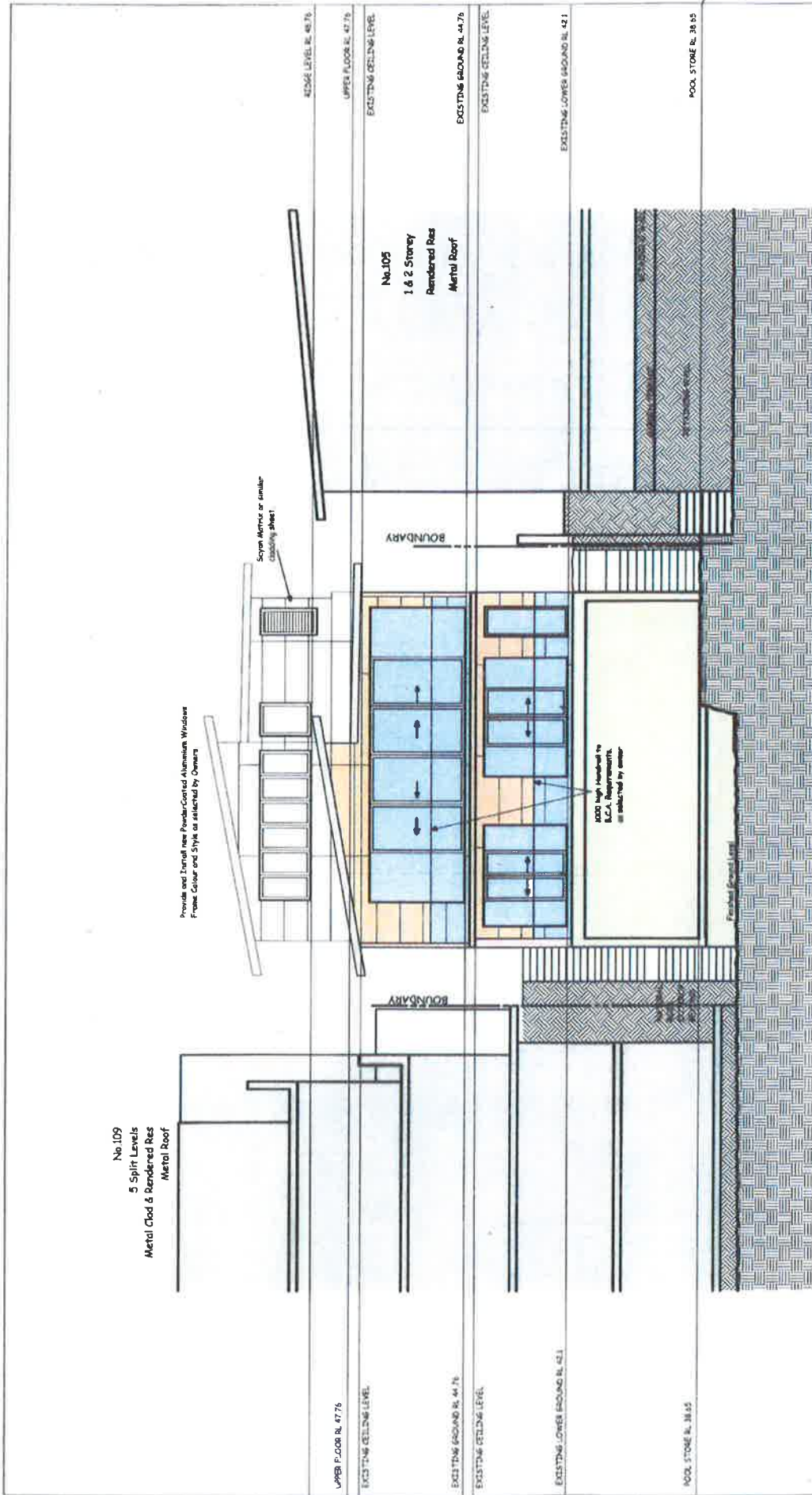


NORTHERN ELEVATION



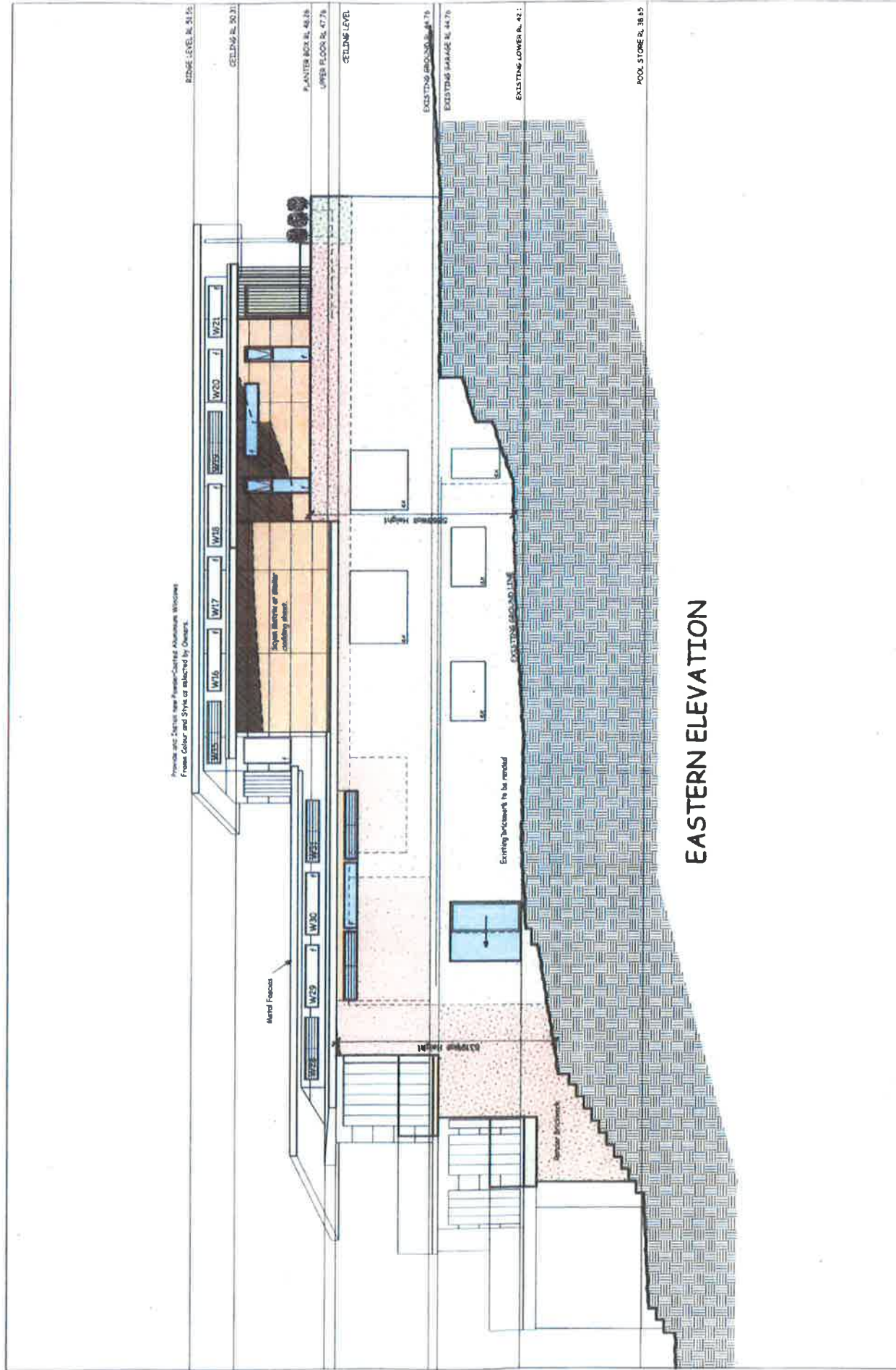
NORTHERN ELEVATION at STREET BOUNDARY

	Aaron and Heather GREAVES	47 Townsend Street Newcastle, 2060 NSW ABN 75 732 195 Mobile : 0417 731 885 or 0417 512 850 http://www.designmodernity.com.au	PROPOSED ALTERATIONS AND ADDITIONS, 107 HEADLAND ROAD, NORTH CURL CURL, 2088	Drawing No.	Scale	Date	Job Number	Drawing Number	A3
	1:100	7-3114	S6	MARCH 2015	17/03/2015 6:30 PM	A8	7-3114	S6	A8



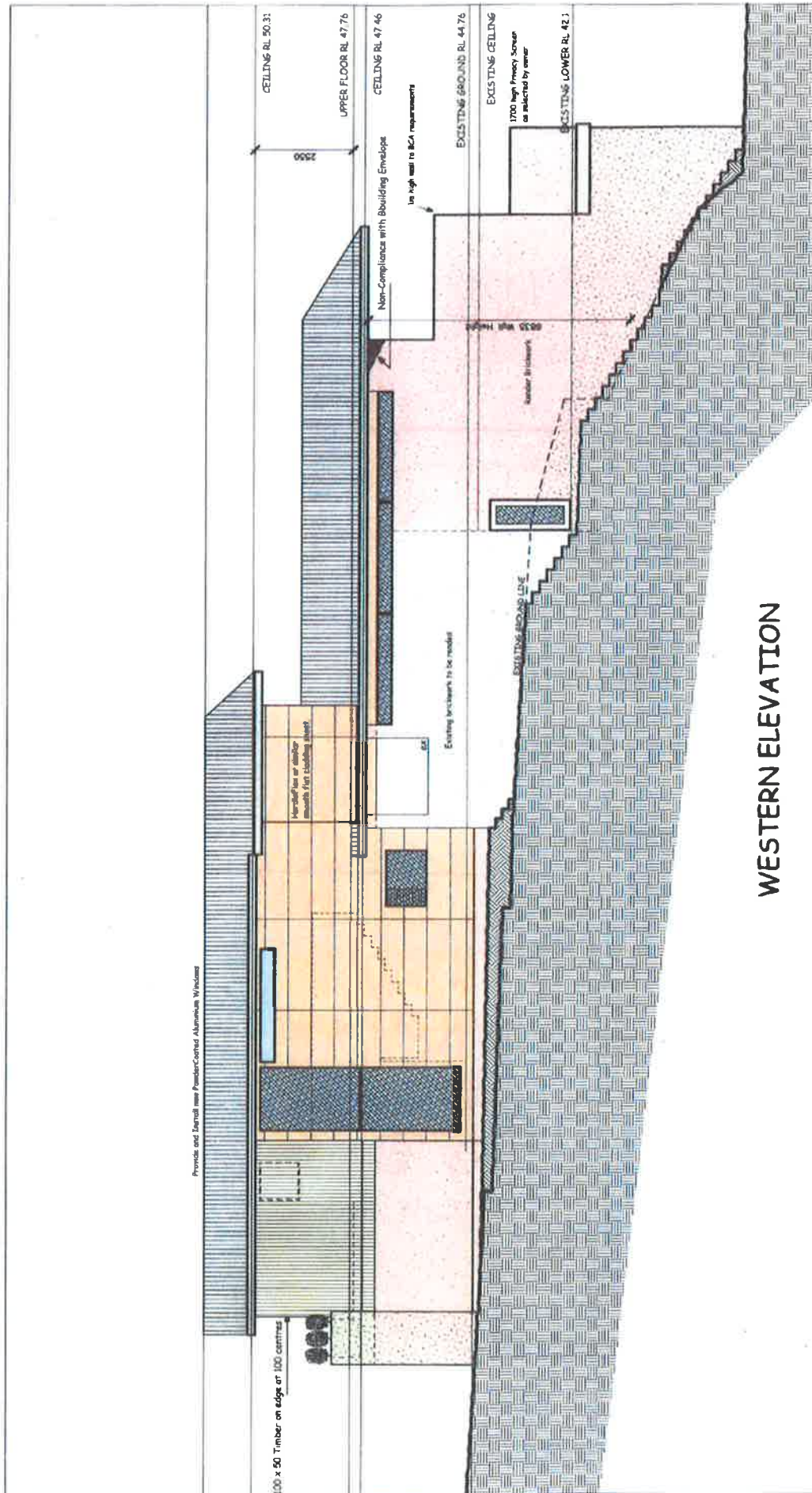
SOUTHERN ELEVATION

	47 Tonsbridge Street, North Sydney, NSW 1585 APN: 7 751 732 195 Mobile: 0414 731 865 or 0413 572 250 http://www.designbda.com.au		Client Aaron and Heather GREAVES		PROPOSED ALTERATIONS AND ADDITIONS 107 HEADLAND ROAD, NORTH CURL, 2088		Scale 1:100	Date MARCH 2015	Job Number 7-3114
	Drawing Title ELEVATIONS SHEET 2		Drawing Number A7		Drawing Date 17/07/2015 4:38 PM		Drawing Scale S.G.		Drawing Number A7



EASTERN ELEVATION

	PROPOSED ALTERATIONS AND ADDITIONS 107 HEADLAND ROAD, NORTH CURL, 2088	7-3114 Drawing Number
	Drawing Title ELEVATIONS SHEET 3	Scale 1:100
Client Aaron and Heather GREAVES	Date MARCH 2015	Drawing Number A8
47 Townridge Street, North Curl, 2088 NSW ABN 75 732 185 Mobile : 0414 732 585 or 0418 572 250 Hqs: // www.designandbuild.com.au	17/03/2015 6:38 PM	



WESTERN ELEVATION

 bda DESIGN & BUILD	47 Torring Street, Narrara, NSW 2080 ABN: 17 751 732 195 Mobile: 0414 731 895 or 0413 572 250 http://www.bda.com.au	Aaron and Heather GREAVES	PROPOSED ALTERATIONS AND ADDITIONS 107 HEADLAND ROAD, NORTH CURL CURL 2080 Drawing Title: ELEVATIONS SHEET 4	Scale: 1:100	Date: MARCH 2005	Job Number: 7-314	Drawing Number: A9
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