

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 22 December 2016

4 Cambridge Avenue Narrabeena, 13 Rowena Road Narrabeena - Demolition works, subdivision of 2 Lots into 3 Lots (involving a boundary adjustment), construction of two (2) dwelling houses and a Secondary dwelling with associated garage and access driveways

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0846
Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 47 DP 25497, 4 Cambridge Avenue NARRAWEENA NSW 2099 Lot 37 DP 27573, 13 Rowena Road NARRAWEENA NSW 2099
Proposed Development:	Demolition works, subdivision of 2 Lots into 3 Lots (involving a boundary adjustment), construction of two (2) dwelling houses and a Secondary dwelling with associated garage and access driveways
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Application Determination Panel
Land and Environment Court Action:	No
Owner:	Xi Zhang
Applicant:	Vaughan Milligan Development Consulting Pty Ltd

Application lodged:	17/08/2016
Application Type:	Local
State Reporting Category:	Residential - Other
Notified:	31/08/2016 to 15/09/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	7
Recommendation:	Refusal

Estimated Cost of Works:	\$ 784,450.00
--------------------------	---------------

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential

Warringah Development Control Plan - C1 Subdivision

Warringah Development Control Plan - C4 Stormwater

Warringah Development Control Plan - C5 Erosion and Sedimentation

Warringah Development Control Plan - D2 Private Open Space

Warringah Development Control Plan - D6 Access to Sunlight

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - E6 Retaining unique environmental features

SITE DESCRIPTION

Property Description:	<p>Lot 47 DP 25497 , 4 Cambridge Avenue NARRAWEENA NSW 2099</p> <p>Lot 37 DP 27573 , 13 Rowena Road NARRAWEENA NSW 2099</p>
Detailed Site Description:	<p>The subject development involves two (2) Lots forming the "subject site", being No.4 Cambridge Avenue (Lot 47) and No.13 Rowena Road (Lot 37). Both properties are in cul-de-sac positions and have a common rear boundary. In Rowena Road, Lot 37 contains a newly renovated two (2) storey dwelling house in a landscaped setting. A significant eucalyptus tree is located near the rear boundary where the land rises steeply to a rocky hilltop. Lot 37 has a maximum width of 16.76 metres (m) and a maximum depth of 42.46 m, with an area of 650.6 square metres (sqm).</p> <p>In Cambridge Avenue, Lot 47 has an elongated wedge shape and contains a part-two storey dwelling in a landscaped hilltop setting that affords ocean views toward Dee Why Beach. Lots 47 has a maximum width of 32.5m and a maximum depth of 65.3m, with an area of 1,361 sqm. A narrow concrete driveway is located along the north-western boundary and the land falls steeply into a gully head that covers the southern part of the Lot. This gully head is a</p>

significant feature of the property with retaining walls and rock outcrops / ledges forming a natural amphitheatre shape with mature trees and grassed areas. Due to the rocky hilltop location, Lot 47 also falls away steeply near the eastern, northern and western boundaries, however the majority of natural drainage falls to the south, toward No.5 Cambridge Avenue. A drainage easement (part piped and part open) is located within No. 5 Cambridge Avenue to take water from the cul-de-sac, but it does not connect suitably to the low point of the gully head within Lot 47 to enable legal connection for the proposed development. The highest point on Lot 47 is RL63.93 with the lowest point being RL57.64, giving a cross-fall of 6.29m. The land is classified as being within "Area B" for geotechnical slope hazard.

Adjacent and surrounding development consists of low density residential housing in landscaped settings, with numerous properties having some ocean views due to the elevated topography. Some views are broad but others are partly obscured by trees or buildings with narrower view lines. The site is not bushfire prone and is not identified as containing any threatened flora or critical habitat. No aboriginal relics have been identified along the rocky outcrops and bushland features of the site.

Map:



SITE HISTORY

Pre-lodgment Meeting No.PLM2016/0033

This pre-DA was for demolition works, subdivision of land and construction of dwellings was held on 19 April 2016. The meeting notes advised of the difficulties of the site and was not supportive of possible overdevelopment of the land given the potential amenity impacts. The current development application has not adequately addressed the matters raised at the meeting.

Lot 37 (No.13 Rowena Road)

Building Application No.B123/63 for a brick veneer dwelling was approved by Council in 1963.

Building Application No.B328/76 for a terrace and shower room was approved by Council in 1976.

Complying Development Certificate No.CDC2015/0639 for alterations and additions was approved by Private Certification on 19 November 2015.

Complying Development Certificate No.CDC2016/0154 for alterations and first floor additions was approved by Private Certification on 21 March 2016.

Development Application No.DA2016/0561 for alterations and additions to a dwelling house was approved by Council on 8 July 2016.

Lot 47 (No.4 Cambridge Avenue)

Building Application No.154/54 for a weatherboard dwelling was approved by Council in 1954.

Building Application No.B494/71 for weatherboard additions was approved by Council in 1971.

PROPOSED DEVELOPMENT IN DETAIL

The development application proposes the following:

a) Demolition and Civil Works

- Demolition of one (1) dwelling house (No.4 Cambridge Avenue).
- Site preparation works, including selected tree removal.
- Excavation and drainage works.
- Driveway construction and drainage engineering works, including on-site stormwater detention;

b) Subdivision

- Torrens Title subdivision of two (2) Lots into three (3) Lots including a boundary adjustment between No.4 Cambridge Avenue and No.13 Rowena Road, with the following Lot areas:

Proposed Lot 1 - 666.3 sqm

Proposed Lot 2 - 745.0 sqm

Proposed Lot 3 - 600.3 sqm

c) Construction of Dwelling Houses and Secondary Dwelling

- Construction of two (2) dwelling houses and a Secondary dwelling as follows:

Proposed Dwelling house on Lot 1

- Ground Floor RL63.5 to 63.75 - Garage, entry, family room, stair access, storage,

NORTHERN BEACHES COUNCIL

- study, laundry, bathroom, kitchen, / living/ dining area, deck;
- First Floor RL66.6 - Bedrooms (4), bathrooms (2), storage.
- Roof Ridge RL70.11

Proposed Dwelling house on Lot 2

- Ground Floor RL63.9 to RL64.15 - Entry, TV room, study, storage, stair access, laundry, bathroom, kitchen, / living/ dining area, deck (2);
- First Floor RL67.0 - Bedrooms (3), bathrooms (2), storage.
- Roof Ridge RL70.8
- Detached garage RL64.4
- Detached Secondary dwelling RL61.55 to RL61.65 - Deck, kitchen / living area, bedroom, bathroom, laundry.
- Ancillary site works for the dwellings including, services connections, fencing and landscaping.

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 C.

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)(iiiia) – 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. The applicant was sent a letter, dated 21 October 2016, requesting withdrawal of the proposal due to insufficient information, engineering and planning concerns with proposal. The applicant has declined to withdraw the development application.</p>

NORTHERN BEACHES COUNCIL

Section 79C 'Matters for Consideration'	Comments
	<p>consider AS 2601 - 1991: The Demolition of Structures. This matter can be suitably 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 can be suitably 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 Building Act 1989. This matter can be suitably addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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	<p>(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.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is not considered suitable for the proposed development in that the proposal has not provided a satisfactory design response to the natural topography and site constraints of the land. Issues of concern include legal access for stormwater drainage, impact on trees from engineering works, overshadowing of adjacent private open space, view impacts, erosion control and overdevelopment of the site. These concerns are addressed in detail within this report and warrant refusal of the application.
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	A number of issues have been raised by surrounding land owners / occupants with the development proposed. These issues include traffic impacts, view impact, tree removal, access, insufficient information, overdevelopment and privacy. In summary, the application contains insufficient information to adequately assess the proposal, demonstrate consistency with the Warringah DCP 2011 and address the relevant concerns raised in the public submissions received.

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 7 submission/s from:

Name:	Address:
Mr Matthew David Williams	7 Rowena Road NARRAWEENA NSW 2099
Ms Danielle Susan Steedman	5 Cambridge Avenue NARRAWEENA NSW 2099
Mr Philip James Morton Ms Natalie Mary Morton	3 Cambridge Avenue NARRAWEENA NSW 2099
Mr Clifton Bradeley Hall	1 Cambridge Avenue NARRAWEENA NSW 2099
Mr Jim Wills	5 Rowena Road NARRAWEENA NSW 2099
Mr John William Patrick Benson	9 Rowena Road NARRAWEENA NSW 2099
Paul Boonzaaier Diane Elizabeth Burns	6 Cambridge Avenue NARRAWEENA NSW 2099

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

- View impact
- Solar access
- Privacy and amenity
- Building bulk
- Vehicle access
- Stormwater drainage
- Lot density
- Height
- Traffic, carparking and waste collection
- Construction road damage
- Tree removal
- Overdevelopment
- Flora and Fauna impact
- ***Concern that the development will create view loss impacts on coastal views from No.5 Cambridge Avenue.***

Comment:

The proposal will result in view impacts associated with the siting of the two (2) new dwellings. This will change the easterly outlook from the internal and external living areas of No.3 Cambridge Avenue. The views include the coastal area of Dee Why Beach and the ocean horizon. Iconic elements of the coastline, including headland areas are less dominant due to the obstructions created by the open tree canopy and pattern of surrounding development.

A view assessment has been made under the heading *Part D7 Views* within this report. In summ

Insufficient information has been provided in the application to demonstrate that the proposal s

This issue has determining weight and is included as a reason for refusal of the application.

- ***Concern that future dwellings on the property will not ensure adequate solar access for private open space (POS) of No.5 Cambridge Avenue.***

Comment:

Solar access for adjoining properties is assessed in detail under *Part D6 Access to Sunlight* within this report. Given the slope of the site, the principal area of private open space is immediately to the rear of No.5 Cambridge Avenue and overshadowing from trees is not a factor that is considered in solar access calculations for private open space (as per the LEC Planning Principle). The significant slope of the rear yard of No.5 Cambridge Avenue is such that the proposed buildings, being on higher ground, will overshadow the directly accessible areas of POS for No.5 Cambridge Avenue.

The proposal will therefore create unreasonable impacts on solar access by-way-of the oversh

This issue has determining weight and is included as a reason for refusal of the application.

- ***Concern that the subdivision will result in a loss of privacy and amenity to No.5 Cambridge Avenue and No.5, No.7 and No.9 Rowena Avenue.***

Comment:

The proposed two dwellings have been designed to maintain reasonable privacy to adjacent land by orienting private open space away from side boundaries and by the separation distances that are consistent with the usual pattern of low density residential development in the locality. The proposal includes building designs for Lot 1 and Lot 2 and the design demonstrates reasonable privacy considerations by the use of highlight windows, privacy screens, location of decks and room orientation.

A compliant landscaped open space area (40%) will be provided for the new Lots to enable opportunity for screen trees and shrub replanting to replace trees removed for the subdivision works and future dwelling construction. The pattern and density of development proposed is consistent with the surrounding urban locality given the design of the dwellings (such as the use of pier and beam footings) and a subdivision layout that responds to the natural site constraints of the land.

In summary, the concern raised does not warrant refusal of the application.

- ***Concern with the building bulk of the dwellings when viewed from surrounding land due to the downslope position of neighbouring properties.***

Comment:

The hilltop location of the site will naturally result in dwellings that will be positioned higher and above other adjacent dwellings. This is a common occurrence in the surrounding area due to the sloping topography. The proposed dwellings are designed to fit within the building envelope, height controls and setbacks required under the Warringah LEP and DCP 2011. This has been achieved by the use of building articulation and custom designed dwellings, minimising the need for deep excavation across the building footprint.

The building bulk is consistent with the pattern of surrounding development, with the exception of the detached Secondary dwelling / garage. This additional building

creates unacceptable overshadowing issues for adjacent land and is therefore not supported.

In summary, the concern raised warrant refusal of the application, due primarily to the overshadowing impacts resulting from the siting of the proposed building.

- ***Concern that the subdivision does not have adequate vehicle access for the new Lots and proper access will be difficult to provide for the cul-de-sac location.***

Comment:

The proposed access is via a shared right of carriageway and will comply with Council requirements detailed under "Access" within *Part C1 Subdivision* of the Warringah DCP. The construction work will require the removal of selected trees along the north-western boundary and a driveway design that meets AUSPEC standards.

The pedestrian and vehicle access from the cul-de-sac and along the right-of-way has been designed to comply with Council's Development Engineering requirements.

In summary, the concern raised does not warrant refusal of the application.

- ***Concern that the subdivision does not have an easement to legally connect with the Council drainage infrastructure within No.5 Cambridge Avenue.***

Comment:

In the absence of an "agreement in principle" or evidence of a registered legal easement in place to enable drainage connections to the existing stormwater system located within No.5 Cambridge Avenue, Council's development engineers do not support the proposal. A detailed engineering response is provided under the heading "Referral Response" and further discussion made under *Part C4 Stormwater* within this report.

This issue has determining weight and is included as a reason for refusal of the application.

- ***Concern that the proposal does not have adequate off-street parking and will make parking more difficult within Cambridge Avenue due to the density of the development.***

Comment:

The development complies with the parking requirements detailed under the Warringah DCP 2011 with respect to off-street carparking for the two dwelling houses. and Secondary dwellings. There are no carparking requirements for a Secondary dwelling under SEPP (Affordable Rental Housing) 2009. Cambridge Avenue is a cul-de-sac and therefore does not contain through-traffic and is not close to a commercial centre or transport node where on-street public / commuter parking would be in high demand. Therefore, no unreasonable traffic and parking impacts on surrounding streets is likely to result from the proposal.

In summary, the concern raised does not warrant refusal of the application.

- ***Concern that the density and Lot layout is not consistent with the R2 Low Density Residential zone.***

Comment:

This issue has been addressed within this report under the detailed considerations pursuant

NORTHERN BEACHES COUNCIL

to the Warringah LEP 2011 for the objectives of the R2 Low Density Residential Zone. In summary, the proposal is inconsistent with the zone objective "to ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah". More detailed consideration of issues with the subdivision are made under the heading *Part C1 Subdivision*, addressing requirements of the Warringah DCP 2011.

This issue has determining weight and is included as a reason for refusal of the application

- ***Concern that the proposal does not comply with the 7.2m wall height and building envelope demonstrating excessive building bulk.***

Comment:

The proposal complies with the wall height and building envelope controls (as measured from the survey plan). The architectural plans give extrapolated site levels and the survey plans show that the upper storey setbacks are wide enough to ensure compliance. Eaves are permitted to encroach in the side boundary envelope as exceptions which are permitted under the Warringah DCP 2011. The building designs include articulated wall planes to break up building bulk and provide visual interest to the building.

In summary, this issue is adequately addressed by the proposal and does not warrant refusal of the application.

- ***Concern that the proposal will create an increase in traffic to Cambridge Avenue, reduce street parking and make waste collection more difficult.***

Comment:

Cambridge Avenue is a cul-de-sac that is 85m long and is fully bitumen sealed and kerbed. A pathway link exists along the eastern side of Alfred Street for pedestrians. Therefore, the existing road infrastructure is adequate to accommodate traffic generation from the subdivision. The vehicle access will not alter the number of driveway crossovers and waste bins will be brought to the kerb for collection. Therefore, the waste service requirements will be managed by Council and there will be no loss of on-street parking space.

This issue does not warrant refusal of the application

- ***Concern that construction traffic will damage the road surface, guttering and disrupt neighbours access.***

Comment:

This issue can be suitably addressed by the use of road damage bonds to ensure potential construction impacts can be addressed during or after works where any road damage and rectification work may be required. The site has adequate space to enable parking on-site for trades persons and delivery of materials during construction.

This can be adequately addressed by conditions and does not warrant refusal of the application.

- ***Concern that many of the trees and shrubs will be removed for access and other works.***

Comment: The location of the driveway and OSD basin will necessitate the removal of some

trees however the tree removal proposed has been limited to enable essential site works only to facilitate the subdivision. The properties have sufficient landscaped open space to enable future replanting of canopy trees and deep soil vegetation.

In summary, the concern raised does not warrant refusal of the application.

- ***The proposal is an overdevelopment.***

Comment:

A number of critical issues have not been adequately addressed and hence resolved for the proposal, including stormwater drainage, erosion and sediment control, overshadowing and views. Particular issues are raised in reference to the Secondary dwelling and enclosed garage on proposed Lot 2 with respect to those issues and the suitability of the land to accommodate the extent of associated building works. The applicant has not provided sufficient details to demonstrate impacts on the unique features of the site will be minimised.

Concerns were raised with the applicant that the proposal was not supportable in its

In summary, the concern raised warrant refusal of the application.

- ***Loss of tree habitat for birds and animals.***

Comment:

The subject land does not contain any threatened species or critical habitat and the local vegetation is well represented within the large bushland areas situated 1km west of the site. The tree canopy will be most affected by the construction of the Secondary dwelling and potential excavation works to construct the driveway. The proposal has not adequately addressed this issue to ensure the driveway works will not cause additional tree loss by demonstrating construction methods that will be used to ensure the survival of those trees.

Insufficient information has been provided by the applicant to adequately demonstrate the proposal will not have an adverse effect on habitat trees that form a distinguishing feature of the site, pursuant to *Part E6 Retaining unique environmental features* of Warringah DCP 2011.

In summary, this issues warrants refusal of the application due to insufficient information.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p><u>Note:</u> <i>The proposed development may not comply with some requirements of the BCA. Issues such as this however may be</i></p>

NORTHERN BEACHES COUNCIL

Internal Referral Body	Comments
	<i>determined at Construction Certificate stage.</i>
Development Engineers	<p>The submitted stormwater management plan prepared by Taylor Consulting Engineers, shows the drainage system being connected on to the adjoining property. Applicant has not provided any evidence of easement rights or rights to drain over the adjoining property. As a result the applicant will need to show proof of a drainage easement rights over the adjoining property.</p> <p>Damien from <i>Taylor Consulting</i> has suggested to provide supplementary drainage proposal to amend the plans to connect into Council's pipe pit located on the adjacent property, however it is to be located west of the current proposed connection point.</p> <p>Prior to full assessment and comments being provided applicant is to be advised to submit an amended stormwater managements plan or provide evidence of easement rights.</p> <p>Recommended for refusal due to insufficient information to address <i>Part C4 Stormwater</i> of the Warringah DCP2011.</p>
Landscape Officer	<p>The plans require removal of <i>1 x Angophora costata</i> of High retention value as indicated in the Arborist's Report provided with the application. The tree is located adjacent to the proposed driveway at the front of the site.</p> <p>The works as proposed do not enable retention of the tree, particularly due to the required driveway width to service the development. Other trees of medium to low retention value are proposed to be removed with 15 other trees indicated as being retained. Some minor rock outcropping will be affected by the works with a small escarpment through the center of the site retained.</p> <p>If the proposal is to be approved, conditions have been included in Assess.</p> <p><u>Planning Comment:</u> The proposal is not supported due to the impact on the significant trees and topography in the southern half of the site that form a distinguishing feature of the land pursuant to <i>Part E6 Retaining unique environmental features</i> of the Warringah DCP 2011.</p>
Traffic Engineer	No objection is raised to the proposal on traffic grounds, subject to Development Engineering requirements.

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

External Referral Body	Comments
Aboriginal Heritage	The proposal was referred to the Aboriginal Heritage Office (AHO) on the 23 August 2016. No comments and no conditions have been advised by the AHO.

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*

NORTHERN BEACHES COUNCIL

(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
(c) is located within, or is attached to, or is separate from, the principal dwelling."

Comment:

The proposed use is defined under WLEP 2011 as a *Secondary Dwelling*.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 Low Density Residential Zone and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a Secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposal satisfies this requirement that there will be only one (1) Principal dwelling on proposed Lot 2 and a Secondary dwelling.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater	No floor space ratio applies to the site under the Warringah LEP 2011. The total floor area of the Secondary dwelling is 54 sqm and therefore complies with the floor area requirement.

NORTHERN BEACHES COUNCIL

floor area.	
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:	The Secondary dwelling is detached from the Principal dwelling house on proposed Lot 2.
(a) site area if:	The site area of proposed Lot 2 is 745 sqm and therefore satisfies the minimum site area requirement.
(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or	
(ii) the site area is at least 450 square metres.	No additional parking is required for the Secondary dwelling.
(b) parking if no additional parking is to be provided on the site.	

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

The proposal meets the requirements for a Secondary dwelling, pursuant to the SEPP. Details of other planning considerations pursuant to the Warringah DCP 2011 and Warringah LEP 2011 are detailed under the relevant sections of this report.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted for with the application for **proposed Lot 1 Dwelling house** (see Certificate No.740008S dated 16 August 2016).

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

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	40	49

A BASIX certificate has been submitted for with the application for **proposed Lot 2 Principal Dwelling house** (see Certificate No.740178S dated 16 August 2016).

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

Commitment	Required Target	Proposed
Water	40	46

NORTHERN BEACHES COUNCIL

Thermal Comfort	Pass	Pass
Energy	40	49

A BASIX certificate has been submitted for with the application for **proposed Lot 2 Secondary Dwelling** (see Certificate No.740212S dated 16 August 2016).

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

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

Compliance with the commitments indicated in the above BASIX Certificates is suitable to be included with conditions.

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 application was referred to Ausgrid who did not raise any objection to the proposal.

Other Service Infrastructure Authorities

The proposal was not required to be referred to the Roads and Maritime Services (RMS) and no other Service Authority referral issues are raised 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?	No
zone objectives of the LEP?	No

Principal Development Standards

Proposed Lot 1

--	--	--	--	--

NORTHERN BEACHES COUNCIL

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600 sqm	666.3 sqm	N/A	Yes
Height of Buildings: (Dwelling house)	8.5 m	7.3m	N/A	Yes

Proposed Lot 2

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600 sqm	745.0 sqm	N/A	Yes
Height of Buildings: (Dwelling house)	8.5 m	7.5m	N/A	Yes
Height of Buildings: (Secondary dwelling)	8.5m	7.4m	N/A	Yes

Proposed Lot 3 (Boundary adjustment between No.13 Rowena Road and (existing) No.4 Cambridge Avenue)

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600 sqm	600.3 sqm	N/A	Yes
Height of Buildings: (Dwelling house)	8.5 m	No change (Existing house)	N/A	Yes (As approved)

WLEP 2011: "In calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded".

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.1 Minimum subdivision lot size	Yes
4.3 Height of buildings	Yes
5.8 Conversion of fire alarms	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Land use definition: WLEP 2011	Permitted or Prohibited
Dwelling " dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile."	Permitted with consent

The underlying objectives of the R2 Low Density Residential zone:

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

Comment:

The proposed subdivision satisfies the minimum Lot size criteria of 600 sqm for the low density residential zone. The intent of the subdivision is to provide detached housing within the existing residential environment by utilising the existing subdivision pattern to effect the development.

It is considered that the development satisfies this objective.

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

Comment:

No other land uses or other community facilities are proposed for the site.

It is considered that the development satisfies this objective.

- ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah***

Comment:

Substantial site disturbance is necessary in order to effect the proposed subdivision including building site preparation, tree removal, excavation, service connections, access and associated construction work. The site is substantially constrained by the existing natural features on the land including rock outcrops / ledges, trees, drainage, steep terrain and the like. The development of the land for two (2) double storey buildings with garages, driveway structures, open space areas, retaining walls, drainage construction and a Secondary dwelling with associated garage, will impact surrounding land.

The application has not provided sufficient information to address the critical environmental issues (including concerns raised by surrounding landowners) to adequately demonstrate the development will be in harmony with the landscape setting and natural environment.

The development works will have an adverse impact on neighbours views, solar access, private open space, traffic, trees, stormwater and erosion and those impacts are inconsistent with this objective. The issues of concern with proposal cannot be satisfactorily addressed by conditions in order to prevent unreasonable impacts on adjacent residential land.

It is considered that the development does not satisfy this objective.

4.1 Minimum subdivision lot size

Merit Assessment of consistency with Clause 4.1 objectives

- ***to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality***

Comment:

The site is in a cul-de-sac position and therefore irregular "wedge" shaped Lots are a common element of the subdivision pattern. The proposal will divide the existing Lot 47 into

two elongated shapes in order to follow the natural contours of the land whereby a steep gully head forms a natural constraint on the site. The right-of-way area is required to be as short as possible in order to ensure Lot sizes are consistent with adjacent Lot sizes and exceed the minimum 600 sqm subdivision requirement of the WLEP 2011. The boundary adjustment with Lot 37 does not compromise the existing residential use of this site or built form controls.

- ***to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development***

Comment:

The subdivision is not intended for commercial land use or industrial development. The residential subdivision pattern is addressed as above.

- ***to protect the integrity of land holding patterns in rural localities against fragmentation***

Comment

The site is not within a rural locality, as it is zoned R2 Low Density Residential.

- ***to achieve low intensity of land use in localities of environmental significance***

Comment

The proposal increases the intensity of land use on the site by-way-of two large dwelling houses, plus a detached Secondary dwelling and garage. This intensity of development on the site impacts the ability to maintain view sharing, maintain privacy impacts, minimise overshadowing, minimise site works for private open space and associated works needed for any re-contouring of site levels. Therefore, the proposal is symptomatic of an overdevelopment of the site and is not consistent with this objective.

- ***to provide for appropriate bush fire protection measures on land that has an interface to bushland***

Comment:

The site is not within a bushfire protection area.

- ***to protect and enhance existing remnant bushland***

Comment:

The land does not contain any remnant bushland areas but does contain a number of native trees low vegetation dispersed within the site.

- ***to retain and protect existing significant natural landscape features***

Comment:

The proposed dwelling uses lightweight weatherboard construction and also pier and beam foundations as part of the design to minimise excavation on the site. However, carparking, driveway, landscaping and stormwater management will require extensive works for any concrete works. These works will not suitably protect the existing natural landscape features of canopy trees and surface rock formations. The additional impact of the Secondary dwelling and detached garage will require a greater impact on the natural gully head formation and canopy trees at the front of the site. Therefore, the proposal is inconsistent with this objective.

- ***to manage biodiversity***

Comment:

No detailed landscape plan has been provided to address biodiversity to address the replacement of suitable native species.

NORTHERN BEACHES COUNCIL

- **to provide for appropriate stormwater management and sewer infrastructure**

Comment:

The site does not have legal access to an easement in order drain stormwater from the development, therefore the proposal is inconsistent with this objective. Sewer connections are available to be made within the subject land.

Warringah Development Control Plan

Built Form Controls

Proposed Lot 1

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height <i>Measured from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).</i>	7.2m	6.0m	N/A	Yes
B3 Side Boundary Envelope <i>Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope. Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.</i>	45 degrees at 4m (North)	Within envelope	N/A	Yes
	45 degrees at 4m (South)	Within envelope	N/A	Yes
B5 Side Boundary Setbacks <i>Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback</i>	0.9m (North)	1.0m to 3.5m (Ground floor)	N/A	Yes
		3.5m to 5.4m (Upper floor)		Yes
	0.9m (South)	1.5m to 6.2 (Ground floor)	N/A	Yes
		1.5m (Upper floor)	N/A	Yes
B7 Front Boundary Setbacks (Battle Axe shaped Lot) <i>Front Boundary Setback is the distance measured perpendicular to the road frontage property boundary up to any structure on the</i>	6.5m	37.9m (Battle axe shaped Lot)	N/A	Yes

NORTHERN BEACHES COUNCIL

<i>allotment. The area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</i>				
B9 Rear Boundary Setbacks <i>Exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met</i>	6.0m	8.4m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting <i>LOS:</i> <i>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</i> <i>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</i> <i>c) Landscaped open space must be at ground level (finished); and</i> <i>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</i>	40% (266.5 sqm)	46% (306.5 sqm)	N/A	Yes

Proposed Lot 2

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	6.0m (Dwelling) 6.4m (Garage and Secondary dwelling)	N/A	Yes
B3 Side Boundary Envelope	45 degrees at 4m	Within envelope	N/A	Yes
	45 degrees at 4m	Within envelope (Eaves permitted)	N/A	Yes
B5 Side Boundary Setbacks	0.9m (North)	1.0m to 3.7m (Ground floor main dwelling) 3.5m to 2.9m (Upper floor main dwelling)	N/A	Yes Yes Yes

NORTHERN BEACHES COUNCIL

		1.5m to 3.8m (Secondary dwelling and garage)		
	0.9m (South)	1.5m to 5.1m (Ground floor main dwelling) 1.9m to 5.0m (Upper floor main dwelling) 2.0m to 5.1m (Secondary dwelling and garage)	N/A	Yes Yes Yes
B7 Front Boundary Setbacks	6.5m	7.7m	N/A	Yes
B9 Rear Boundary Setbacks	6.0m	6.13m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (298 sqm)	55% (409.75 sqm)	N/A	Yes

Proposed Lot 3 (Existing dwelling to remain as per DA2016/0561 for alteration and additions)

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	No change	N/A	Yes (As approved)
B3 Side Boundary Envelope	45 degrees at 4m	No change	N/A	Yes (As approved)
	45 degrees at 4m	No change	N/A	Yes (As approved)
B5 Side Boundary Setbacks	0.9m	No change	N/A	Yes (As approved)
	0.9m	No change	N/A	Yes (As approved)
B7 Front Boundary Setbacks	6.5m	No change	N/A	Yes (As approved)
B9 Rear Boundary Setbacks (Rear setback changed by boundary adjustment with Proposed Lot 1) (49.9 sqm transfer of land)	6.0m	11.6m (Dwelling) 9.4m (Deck / Balcony)	N/A	Yes (Reduced from 14.6m)
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (240.1 sqm)	43.8% (263.4 sqm)	N/A	Yes

NORTHERN BEACHES COUNCIL

(LOS changed by boundary adjustment with proposed Lot 1)				
--	--	--	--	--

Refer to survey plan for accurate site levels for existing ground level for height and envelope compliance.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	No	No
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C1 Subdivision	No	No
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	No	No
C5 Erosion and Sedimentation	No	No
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	No	No
D7 Views	No	No
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	No	No
E10 Landslip Risk	Yes	Yes

Detailed Assessment

NORTHERN BEACHES COUNCIL

C1 Subdivision

Component	Requirement	Proposed	Compliant
Lot requirements	R2 Low Density Residential zone requirements:	Proposed Lot 1	
	Proposed new allotments:	a) Minimum width: 4.02m to 13m up to 16.6m	No (measured at road frontage - Battle axe shaped Lot) (However, property is 13m measured across the
	a) Minimum width: 13 metres (m)	b) Minimum depth: 31.9; and	central building area / axis through a minimum 27m depth)
	b) Minimum depth: 27 metres; and	c) Minimum building area: 666.3 sqm	Yes (measured across 13m width)
	c) Minimum building area: 150 square metres (sqm)		Yes (excluding right of way / shared access)
		Proposed Lot 2	
		a) Minimum width: 5.13m to 9.16m up to 14.4 m	No (measured at road frontage - Battle axe shaped Lot) (However, property is 13m or more measured across the central
		b) Minimum depth: 40.4 m; and	building area / axis through a minimum 27m depth)
		c) Minimum building area: 745 sqm	Yes (measured across 27m depth)
		Proposed Lot 3*	Yes
		a) Minimum width: 16.6 m	
		b) Minimum depth: 35.05 m; and	Yes (measured across 13m width)
		c) Minimum building area: 600.3 sqm	
		*boundary adjustment made to transfer land	Yes

NORTHERN BEACHES COUNCIL

		between No.4 Cambridge Avenue and No.13 Rowena Road.	Yes
Access	Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.	Yes, but includes use of a Right of Way	Yes
	Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.	Yes, subdivision includes legal constructed access and a right of way is to be made to co-locate access from Cambridge Avenue (proposed Lot 1 and Lot 2) to Councils satisfaction. No change is required for proposed Lot 3.	Yes
	Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.	Yes, adequate width is provided service vehicles and no passing bay is necessary (16.82m access handle) . No change is required to garbage the collection within the cul-de-sac of Cambridge Avenue.	Yes
	Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.	Driveways and access to allotments comply with gradient standards.	Yes
	Driveways in excess of 200 metres will not be allowed for residential development.	Driveway is from road frontage for Lot 1, 39.6m for Lot 3 and 63.7m for Lot 2.	
	Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.	Reciprical right of way is used for access along the driveway area	
	Passing bays should have regard to sight	The right of carriage was is capable of accommodating 2 cars per household and	

NORTHERN BEACHES COUNCIL

conditions and minimise vehicular conflict.		domestic service vehicles. The proposed garages are clear of the carriageway areas for each lot.	Yes
Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.		Complies with requirement for 1-5 lot subdivision accessway.	Yes
Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.			
Width of accessways are to be as follows:			
Number of lots to be serviced	Width of clear constructed accessway (m)	Complies with requirement for 'up to 3 lots' additional width of 0.5 for services.	
1 - 5	3.5		
6 - 10	5.0		
in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)	Complies.	
Provision of services in rights of carriageway are as follows:			
Number of lots to be	Additional width to be provided in		

NORTHERN BEACHES COUNCIL

	<table><tr><td>served</td><td>Right of Carriageway (m)</td></tr><tr><td>Up to 3 lots</td><td>0.5</td></tr><tr><td>4 or more lots</td><td>1.0</td></tr></table>	served	Right of Carriageway (m)	Up to 3 lots	0.5	4 or more lots	1.0		
served	Right of Carriageway (m)								
Up to 3 lots	0.5								
4 or more lots	1.0								
Design and construction	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.</p> <p>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>	<p>Proposed Lot 1 and 2 Unsatisfactory drainage design. Legal access has not be acquired and no "agreement in principle" provided to drain through adjacent land.</p> <p>The subdivision design does not protect solar access for adjacent land and will have an adverse impact by overshadowing the private open space of No.5 Cambridge Avenue.</p>	<p>No</p> <p>No</p>						
Drainage	<p>Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not</p>	<p>Proposed Lot 1 and 2:Unsatisfactory. Inter-allotment drainage is to Council system including connections to cross through No.5 Cambridge Avenue have not been effected.</p> <p>Proposed Lot 3: Satisfactory by owners consent.</p>	<p>No</p> <p>Yes</p>						

NORTHERN BEACHES COUNCIL

	via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.		
Restrictions	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	Satisfactory. Conditions of consent recommended to ensure compliance with subdivision certificate.	Yes
Environmentally constrained land	<p>In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.</p> <p>Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.</p>	<p>Satisfactory. Conditions are appropriate where recommended to ensure compliance with subdivision certificate.</p> <p>The Lot shape and boundaries respond to the natural topography for the main dwelling house platforms. However, the location the garage and Secondary dwelling have difficult construction access, being within the steep gully head. Further details are required to address cross-boundary issues of backfilling, drainage, tree protection and erosion. Insufficient information has been provided to adequately address these</p>	<p>Yes</p> <p>No</p>

NORTHERN BEACHES COUNCIL

		considerations.	
Bushfire	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	Satisfactory. (Not bushfire prone land)	Yes

Merit consideration

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

- ***To regulate the density of development***

Comment:

Each proposed Lot will comply with the minimum area requirement (excluding any right of way) for subdivision. While the subdivision pattern is irregular for proposed Lot 1 and proposed Lot 2, the natural topography of the site and cul-de-sac location precludes a more regular shape from being a practical outcome. The non-compliance with lot frontages to Cambridge Avenue do not preclude the ability of the site to provide access or a 27m x 13m rectangular area suitable to contain a 150sqm building footprint. The density of the development is excessive in relation to the proposed Secondary dwelling owing to the difficult site constraints and this component will exacerbate impacts of erosion, construction impacts, traffic access, overshadowing, privacy, view loss and tree clearing.

- ***To limit the impact of new development and to protect the natural landscape and topography***

Comment:

The proposal has been designed to minimise impacts of excavation for the two (2) main dwellings by using "pier and beam" footings as much as possible. However, the ancillary buildings and development impacts will not protect the natural landscape or topography of the site due to the additional impacts, namely tree clearing required for the Secondary dwelling and garage on proposed Lot 2. The essential engineering works and subdivision pattern is influenced by the hill top position of the existing dwelling and the steep gully head on the southern half of the site. Insufficient information has been provided to adequately address the impacts of the development. Therefore, it has not been demonstrated that the proposal is consistent with this objective, to ensure development impacts will not unreasonably impact on the natural landscape and topography.

- ***To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site***

Comment:

Each lot is required to be provide adequate area for landscaping, future private open space, new drainage management, provision of services and new driveway access to comply with the Warringah DCP 2011. Inadequate information has been provided for fully address this objective to ensure suitable management of erosion, construction works, drainage connections, and management of cross boundary issues where the subject site falls steeply toward adjacent private open space of No. 5 Cambridge Avenue.

- ***To maximise and protect solar access for each dwelling***

Comment:

Solar access for the adjoining property of No.5 Cambridge Avenue will be compromised by the Secondary dwelling and garage as their private open space will be extensively overshadowed. Therefore, the proposal does not satisfy this requirement to *maximise and protect* solar access.

- ***To maximise the use of existing infrastructure.***

Comment:

The proposal will require the construction of a new driveway and stormwater detention basin and drainage connections. The driveway and stormwater system will be shared infrastructure and therefore provide efficiency of use and maintenance.

- ***To protect the amenity of adjoining properties***

Comment:

The proposed density of the development will adversely affect the amenity of surrounding residential development by-way-of view impacts, overshadowing, loss of site canopy trees and increased density of development on steeply sloping land. Insufficient information has been provided by the applicant demonstrate that the proposed development will protect adjoining properties from unreasonable amenity impacts of the development.

- ***To minimise the risk from potential hazards including bushfires, land slip and flooding***

Comment:

The site is not subject to flooding, however properties below the site are affected by overland flow that is currently partly contained by the stormwater line from Cambridge Avenue and partly uncontrolled where overland flow paths exist. Drainage to Rowena Road is satisfactory being brought through from the rear of proposed Lot 1. The subdivision will provide an OSD basin to better manage storm water runoff from the site and reduce nuisance runoff, therefore risks to adjacent land from stormwater runoff will be minimised, however legal easement connections are not established nor has evidence been provided that they can be established.

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.

C4 Stormwater

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 appropriate management of stormwater***

Comment:

Insufficient information has been provided to address stormwater management for easement connections and existing easement rights over adjacent land. In the absence of this information the proposal does not satisfy this objective.

- ***To minimise the quantity of stormwater run-off***

Comment:

The proposal is submitted with concept design details for on-site detention tanks to minimise the quantity of stormwater runoff in accordance with Council's policy for low level properties to reduce peak runoff.

- ***To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments***

Comment:

The detention tanks have been designed to comply with Council's *Technical Specification*, subject to conditions. The new dwellings are proposed meet Basix requirements for water use to assist in water sensitive design requirements.

- ***To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD)***

Comment:

A concept design proposal has been prepared to comply with Council's *Technical Specification* to ensure the PSD complies with Council requirements.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of DCP and the objectives specified in section 5(a) of the *Environmental Planning and Assessment Act, 1979*. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C5 Erosion and Sedimentation

Merit consideration

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

- ***To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment***

Comment:

The subject land is steeply sloping in parts and the development works will require demolition of all existing structures and selected tree removal with excavation across much of the site for engineering works, including drainage and building platforms. A "first order" drainage line begins within the southern half of Lot 47 that joins a Council drainage line from Cambridge Avenue. This natural gully head formation on the site will require detailed erosion protection to minimise potential risks to Council infrastructure and adjacent land. The erosion and sediment control plans have insufficient detail to comply with the requirements of the DCP given the risk of erosion and sediment for the subdivision works. (Refer to Plan S7 Site Management Plan, drawn by Sally Gardner Design and Draft, dated June 2018).

- ***To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserves, bushland or adjoining private lands***

Comment:

The steep slope of the land on a hill top position creates a high risk of erosion for adjacent land and therefore comprehensive erosion and sediment control measures are required to address this objective. Insufficient details have been provided with the development application to address this issue.

- ***To prevent any reduction in water quality downstream of the development site***

Comment:

The subject site drains to Dee Why Lagoon and provided comprehensive details are submitted by the applicant to address erosion and sedimentation risks for the site, this matter may be addressed by conditions to protect downstream water quality.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not supported, in this particular circumstance.

D2 Private Open Space

Description of non-compliance

Dwelling houses with three (3) or more bedrooms require 60 sqm of private open space with minimum dimensions of five (5) metres however the details of these private open space areas have not been adequately detailed on the plans.

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 all residential development is provided with functional, well located***

areas of private open space

Comment:

Given the steep topography, including rock ledges and variations in ground levels to adjacent land, the areas of private open space are not functional at present or well located in a manner that satisfies this objective. Furthermore, the application has not detailed any cross boundary issues such as privacy landscaping works, retaining walls and fencing that would be required to establish functional, well located private open space areas that are designed to meet this objective.

- ***To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings***

Comment:

Open space areas are adjoining the living areas of the proposed dwellings and the proposal satisfies this objective, however the details of the layout and boundary treatment of these area have not been adequately detailed to address this objective.

- ***To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces***

Comment:

The establishment of new private open space areas will require site works and landscaping to prepare these areas for site occupation. However, the extent of works is not identified in the development application to ensure no adverse impacts on adjacent neighbours, particularly from privacy, backfill near boundaries and drainage. Therefore, the proposal does not satisfy this objective.

- ***To ensure that private open space receives sufficient solar access and privacy***

Comment:

The development application solar access diagrams demonstrate that sufficient solar access will be retained to private open space within the development site to comply with the Warringah DCP 2011. (Refer to *Part D6 Access to Sunlight* for details regarding overshadowing of adjacent land.)

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not supported, in this particular circumstance.

D6 Access to Sunlight

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 reasonable access to sunlight is maintained***

Comment:

The proposal does not maintain reasonable access to sunlight for No.5 Cambridge Avenue by-way-of the overshadowing created by the "garage and granny flat" as well as "residence 2" shown on the plans. The plans numbered S4 to S6, dated June 2016, drawn by *Sally Gardner Design* indicate the extent of the impact on the neighbouring rear yard, leaving only limited areas away from the rear of the house with direct sunlight. The private open space that is directly accessible at the rear of No.5 Cambridge Avenue will have reduced amenity and the access to sunlight for reasonable periods on the 21 June can only be gained at the front of the house or in the more isolated areas of the rear yard, well away from the dwelling. Therefore, the proposal does not ensure reasonable access to sunlight is maintained.

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

Comment:

The detached garage structure and Secondary dwelling increases the extent of overshadowing on adjacent land due to the steep topography above No.5 Cambridge Avenue. The reduced solar access created by the development therefore does not improve the urban living environment for adjacent neighbours that will experience extensive overshadowing on the 21 June.

- ***To maximise the penetration of mid winter sunlight to windows, living rooms, and high use indoor and outdoor areas***

Comment:

The new dwellings for proposed Lot 1 and proposed Lot 2, are designed to enable mid-winter sunlight to living room windows and other indoor and outdoor areas to satisfy Basix and this objective within the subject site. However, the new garage and secondary dwelling will create additional overshadowing toward No.5 Cambridge Avenue at ground level for the high use outdoor areas at the rear of the dwelling. Therefore, the proposal does not maximise mid-winter sunlight to neighbouring land.

- ***To promote passive solar design and the use of solar energy***

Comment:

The new dwellings within proposed Lot 1 and proposed Lot 2 comply with Basix requirements to demonstrate sufficient passive solar design for internal comfort and efficient energy use. The shadow diagrams demonstrate adequate sunlight for the side windows of No.5 Cambridge Avenue to prevent reliance on artificial light.

- ***To minimise the need for artificial lighting***

Comment:

Increased overshadowing created by the Secondary dwelling and enclosed garage will not contribute to the need to rely on artificial internal lighting, between 9am and 3pm for No.5 Cambridge Avenue as demonstrated by the side view elevations shown on the submitted shadow diagrams.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not 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:

The views affected are water views of the ocean and coastal fringe eastwards, toward Dee Why Beach. The views are from a hinterland position and are shared to principally affect land to the immediate west of the subject site. The property most affected and concerned is the adjacent property of No.3 Cambridge Avenue. A site inspection was made to evaluate the views available and the context of the proposed development work. The view is across a broad easterly angle, but overlooking across a side boundary and the central area of existing Lot 47.

The owners of No.3 Cambridge Avenue have made a submission to identify the views affected and the general relationship as to those views being identified as ocean views and coastal fringe views. Therefore, the general focal interest is toward Dee Why Beach coastal interface and the ocean horizon beyond.

Other properties adjacent the site and to the rear, also have district and coastal views especially from the first floor level, and view sharing varies by the topography and existing development pattern. These other surrounding properties are either on a much less obstructed angle or have alternative view lines from their properties.

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:

Some views are obtained from the ground level (where higher topography permits) but are commonly more restricted by trees, buildings and other surrounding obstructions. Good views are available from first floor level of surrounding dwellings. In general, some views are partly obscured due to existing development at ground level and from other structures such as fencing, telegraph poles, outbuildings and trees / vegetation.

While good views are available across the site and take in a broad angle they are over side boundaries (side views), due to the subdivision pattern. These are valuable views because the height of the topography and interspersed open tree canopy provides interest to the eastern coastal outlook, even though Dee Why Beach is some 2.2 kilometres (km) distance from the site, and the views are principally from living room and external deck of No.3 Cambridge Avenue.

Views can be obtained from both a sitting and standing position in No.3 Cambridge Avenue.

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 surrounding development pattern contains a mix of houses with either a street outlook or a local outlook, that may include coastal views if made possible by the elevated topography. The applicant has provided no detailed view analysis information to address the principal views available or to be shared, and the expected impacts.

While there is a part two storey house presently on Lot 47 and a height pole marker line has been placed on the site, this does not provide sufficient information and demonstration as to building form, roof angles and associated changes in tree canopy by the development work. The easterly views affected range from 45 degrees to 135 degrees of the living areas and adjacent deck of No.3 Cambridge Avenue. Other dwellings in close proximity are not affected to such an extent due to the variable development pattern of the cul-de-sac and sloping topography. The views are available from different standing / sitting positions for principal living areas and are considered to be potentially severely impacted. However, the lack of detailed view analysis by the applicant prevents a more accurate and conclusive assessment. The view will be closed-out or substantially obstructed by the proposed new dwelling houses but no comparative information has been

provided by the applicant to illustrate the view loss either quantitatively or qualitatively.

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 will be the positioning of the two new dwelling houses and potentially part of the Secondary dwelling. Insufficient information has been provide to conclude this fourth step of the view analysis. This would require detailed information in the form of a photomontage or 3D computerised image plus a profile plan to clearly define the view loss impacts and changes in view lines created by the demolition, tree removal and new building works.

Height markers placed on the site give only a crude indication of building outlines. In this regard, the development is complying with the built form controls, however the buildings have extensive top floor areas and the design, in terms of building bulk for the upper storeys, requires further information and justification from the applicant to demonstrate that it represents a skilful design that minimises view impacts which do not unnecessarily increase the severity of view impact on neighbours.

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

Comment:

The site is constrained by the steep topography and rock ledges within the site and therefore single storey development is an unlikely design option. Further details are required by the applicant to demonstrate the innovative design solutions used to minimise view impacts and improve the urban environment. Insufficient details have been provided to address this objective.

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

Comment:

The site contains a number of mature open canopy trees that provide visual interest to the ocean horizon and coastal outlook. The applicant has not proposed the deliberate removal of trees to prioritize views.

Having regard to the above assessment, it is concluded that the proposed development has insufficient information to address 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 not supported, in this particular circumstance.

E6 Retaining unique environmental features

Merit consideration:

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

- ***To conserve those parts of land which distinguish it from its surroundings***

Comment:

The southern half of Lot 47 contains a gully head that has rock ledge formations dispersed with native trees forming a distinctive natural amphitheatre in the topography of the property. The placement of the garage and Secondary dwelling will have a substantial impact on this distinctive feature of the property including the removal of canopy trees for the building footprint.

The subdivision will also require the re-construction of the existing driveway, however inadequate detail has been provided to address the need for low-impact construction methods to ensure the long term survival of a number of trees that will be at risk of long term decline due to engineering works.

The tree lined gully head and canopy trees on the site form a distinguishing natural feature of the site and due to the extensive works required for the two (2) dwellings, Secondary dwelling, garage, driveway, site re-contouring and other engineering infrastructure the proposal is inconsistent with this objective, being an overdevelopment of the land.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent 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 not 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.

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, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Inconsistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

The proposal raises a number of concerns to suitability of the site to accommodate the scale and intensity of the development proposed. While the combined Lot areas are sufficient to meet minimum Lot size requirements, the subdivision results in an irregular pattern due to the constraints imposed by the steep topography.

The natural features of the site including rock ledges, native trees, gully head formations and the hill top location requires an environmentally responsive design approach to minimize environmental impacts and protect residential amenity. Design concerns regarding the lack of responsiveness to the site and surrounds have been discussed within this report.

In addition to this, the proposal raises further concerns of stormwater management, erosion control, privacy, overshadowing, traffic and access, fencing, cross-boundary treatments, view impacts and loss of amenity.

The public submissions received have been addressed within this report and a number of those issues raised have determining weight and warrant being included in the reasons for refusal.

In summary, the proposal is not supported due to insufficient information to carry out a complete and proper assessment of the proposed development and from the environmental impacts identified. The impacts are symptomatic of an overdevelopment of the site. As such, proposal is inconsistent the Warringah DCP 2011 with regard to matters of stormwater, erosion and sedimentation, access to sunlight, views and retaining unique environmental features. Therefore, the proposal also does not satisfy aims of the Warringah LEP 2011 or the objectives of the R2 Low Density Residential zone.

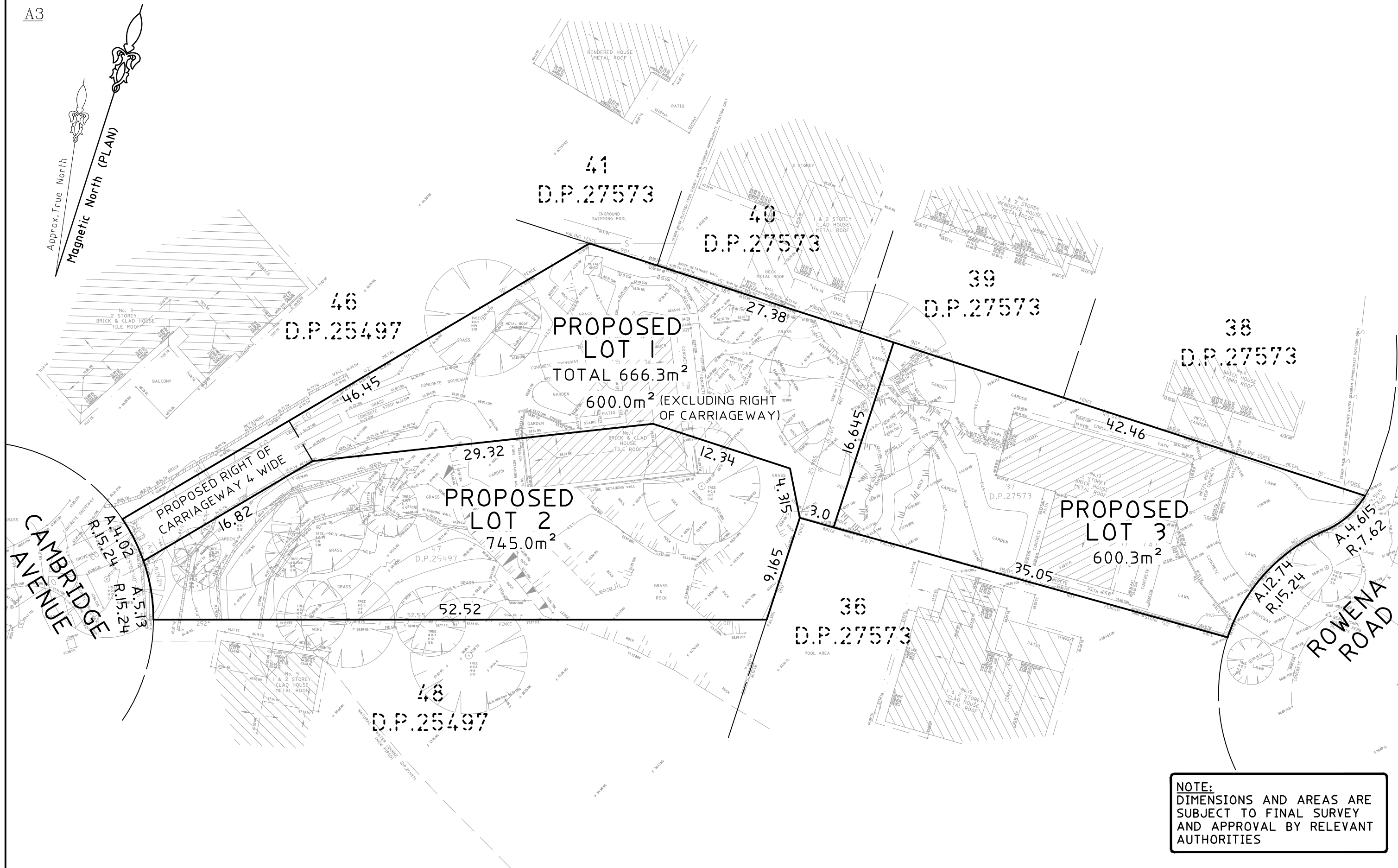
It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council , as the consent authority REFUSE Development Consent to Development Application No DA2016/0846 for the Demolition works, subdivision of 2 Lots into 3 Lots (involving a boundary adjustment), construction of two (2) dwelling houses and a Secondary dwelling with associated garage and access driveways on land at Lot 47 DP 25497,4 Cambridge Avenue, NARRAWEENA, Lot 37 DP 27573,13 Rowena Road, NARRAWEENA, subject to the reasons outlined as follows:

1. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest being inconsistent with the local planning controls to ensure development responds appropriately to the natural and built environment.

2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.
3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the *R2 Low Density Residential Zone* of the *Warringah Local Environmental Plan 2011* to ensure low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
4. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Clause 4.1 Minimum Subdivision Lot Size* of the Warringah Local Environmental Plan 2011.
5. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part C1 Subdivision* of the *Warringah Development Control Plan 2011* for reasons of unsatisfactory drainage easement details and adverse impacts likely from the intensity of development on environmentally constrained land.
6. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part C4 Stormwater* of the *Warringah Development Control Plan 2011* due to insufficient information to address legal easement requirements for drainage and associated works.
7. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part C5 Erosion and Sedimentation* of the *Warringah Development Control Plan 2011* due to insufficient information to ensure properly designed controls suited to the site will be used to protect adjacent land and public infrastructure from soil erosion and sediment runoff.
8. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part D2 Private Open Space* of the *Warringah Development Control Plan 2011* to provide suitable areas of landscaped private open space that maintain privacy to neighbours and minimise any adverse impacts to adjacent land from site levelling, retaining walls and other landscape boundary treatment.
9. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part D6 Access to Sunlight* of the *Warringah Development Control Plan 2011* to minimise adverse overshadowing impacts on the amenity of adjacent land.
10. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part D7 Views* of the *Warringah Development Control Plan 2011* due to insufficient information to address view impacts and ensure view sharing.
11. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *Part E6 Retaining Unique Environmental Features* of the *Warringah Development Control Plan 2011* due to the development likely adverse impact on native trees that form a distinctive feature of the site.



**SURVEY PLAN SHOWING PROPOSED SUBDIVISION
OVER LOT 47 DP25497 & LOT 37 DP.27573
No.4 CAMBRIDGE AVE & No.13 ROWENA ROAD
NARRAWEENA NSW 2099**

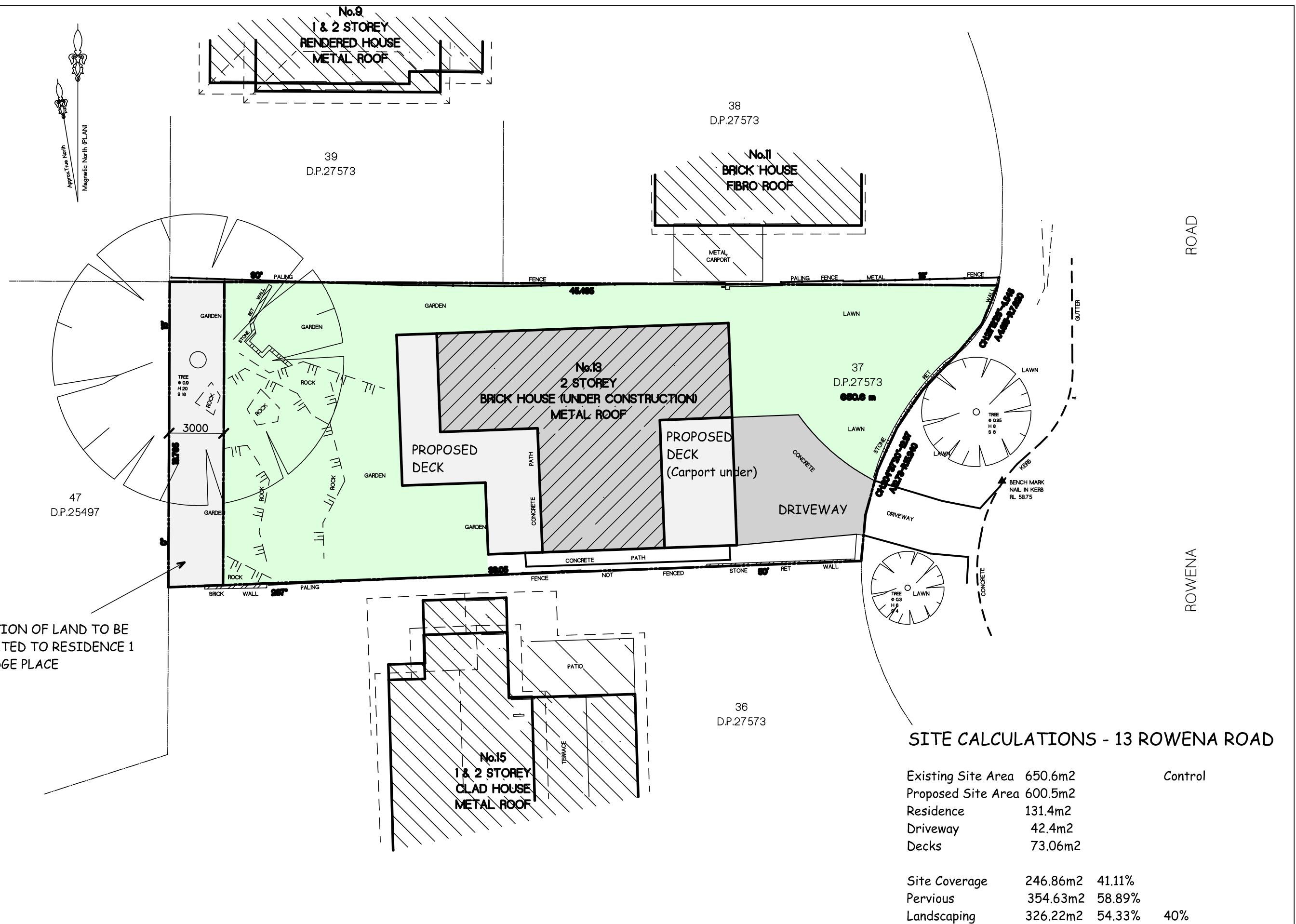


C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201

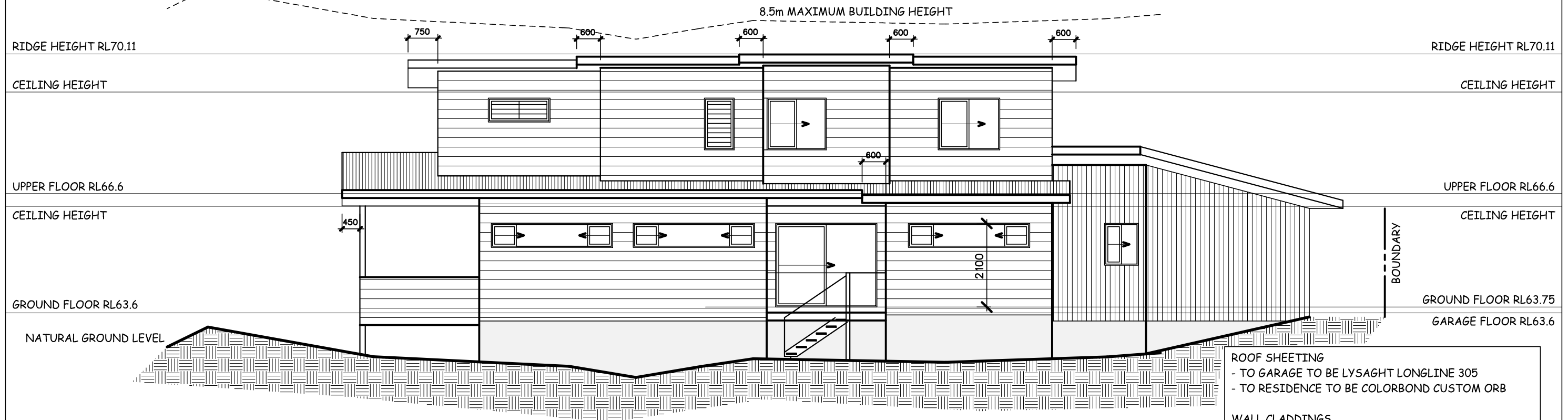
PO Box 463 Dee Why NSW 2099
1/32 Campbell Avenue, Dee Why NSW 2099
Telephone: (02) 9971 4802 Facsimile: (02) 9971 4822
E-mail: info@cmsurveyors.com.au

SURVEYED PB	DRAWN CJR	CHECKED DR	APPROVED DR
SURVEY INSTRUCTION 13814		SCALE 1:300 @ A3	DATE OF SURVEY 13/05/16
DRAWING NAME 13814subdivision			ISSUE 1
CAD FILE 13814subdivision 1.dwg			

ISSUED FOR DA28/06/2016



All New windows 2m or more above finished Ground Level must be supplied with either Reinforced Mesh screens or window locks which prevent windows from opening more than 125mm.
In accordance with BCA requirements for Child Safety.



ROOF SHEETING

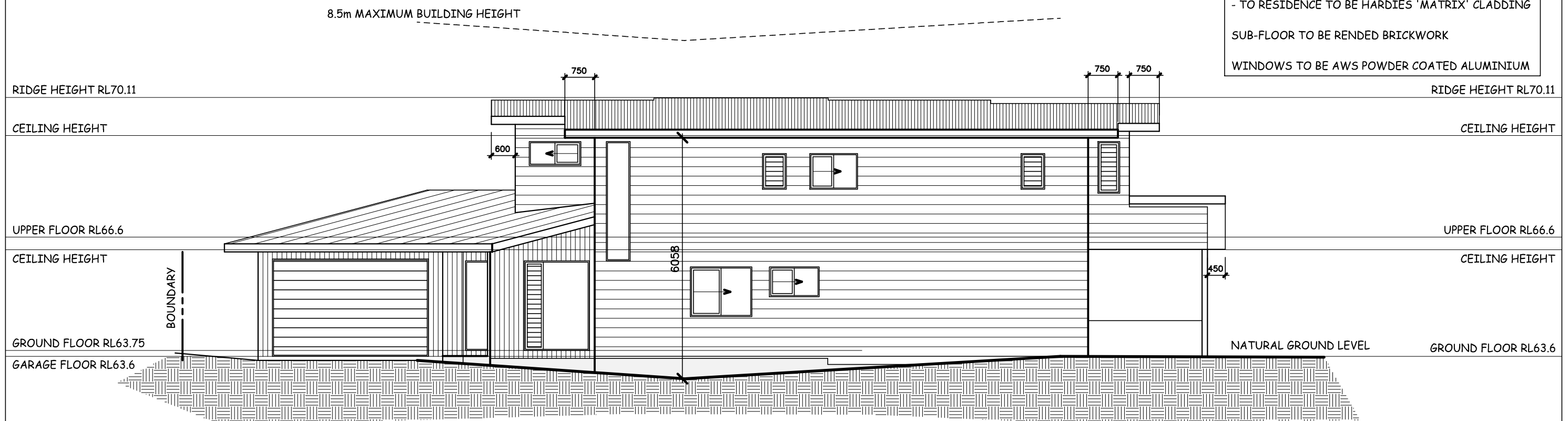
- TO GARAGE TO BE LYSAGHT LONGLINE 305
- TO RESIDENCE TO BE COLORBOND CUSTOM ORB

WALL CLADDINGS

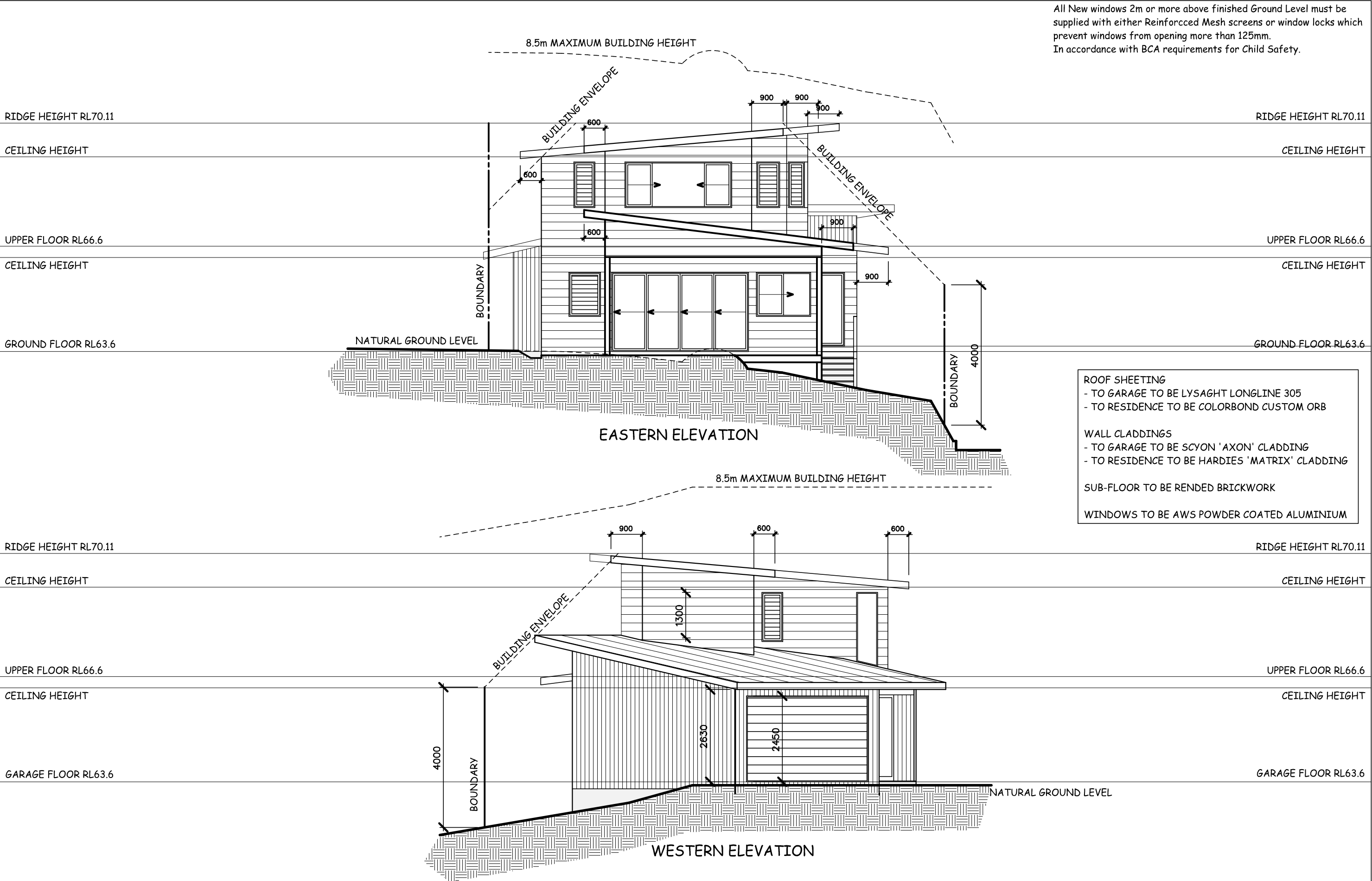
- TO GARAGE TO BE SCYON 'AXON' CLADDING
- TO RESIDENCE TO BE HARDIES 'MATRIX' CLADDING

SUB-FLOOR TO BE RENDEN BRICKWORK

WINDOWS TO BE AWS POWDER COATED ALUMINIUM

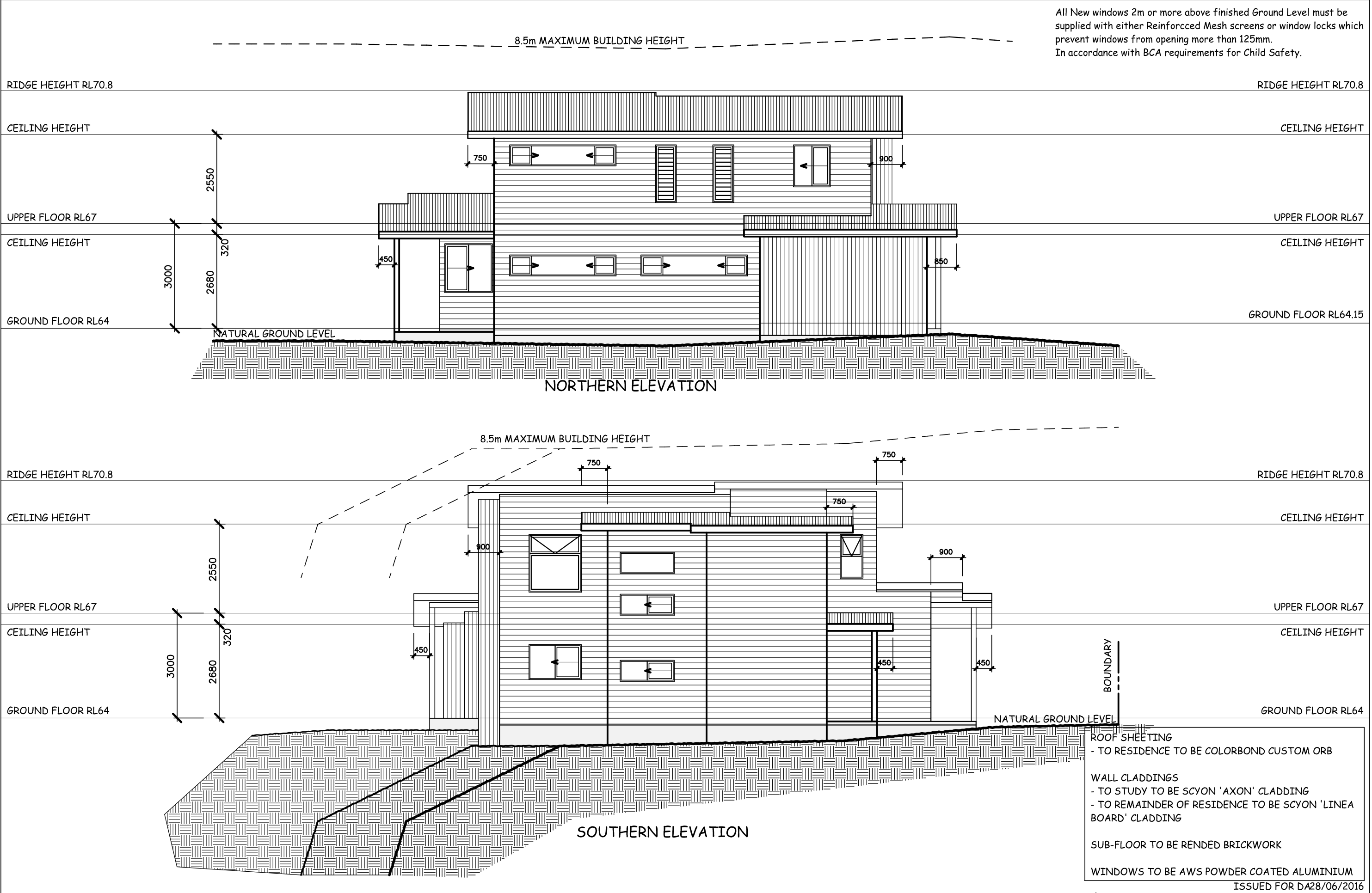


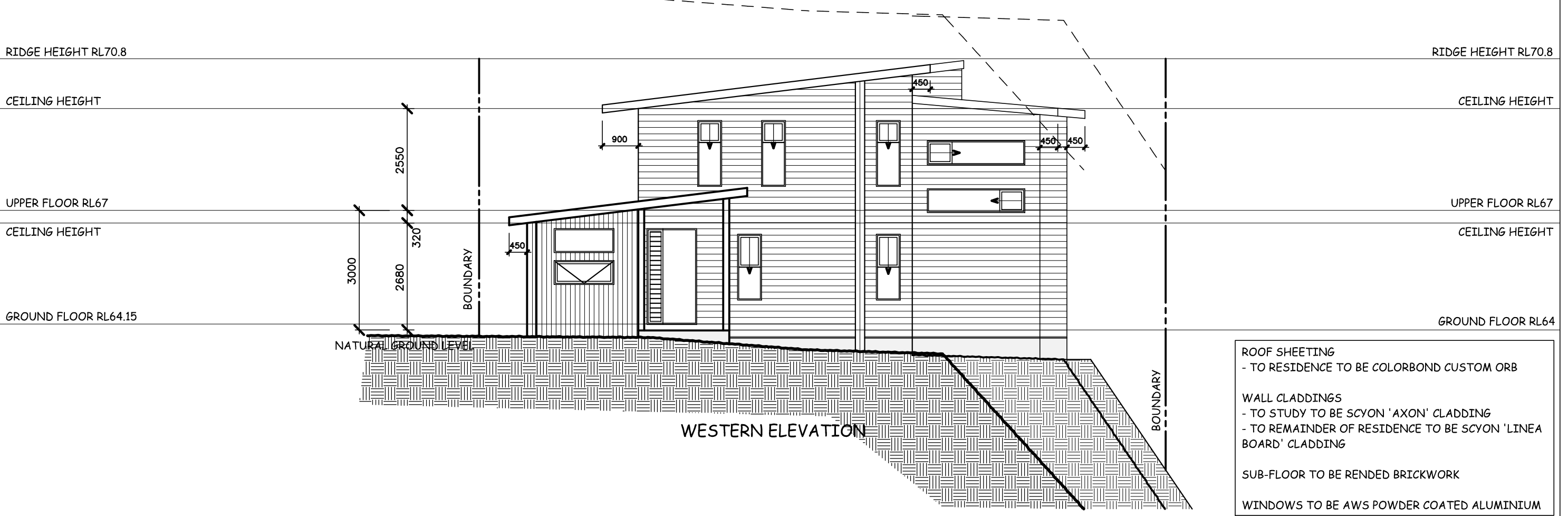
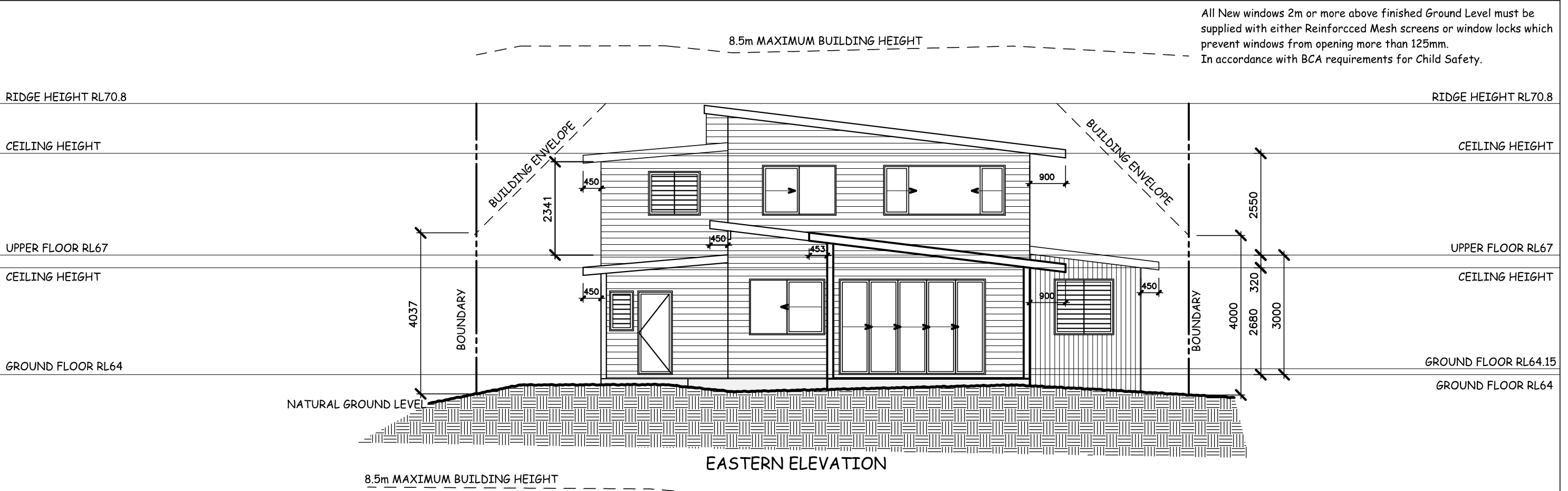
SOUTHERN ELEVATION



All New windows 2m or more above finished Ground Level must be supplied with either Reinforced Mesh screens or window locks which prevent windows from opening more than 125mm. In accordance with BCA requirements for Child Safety.

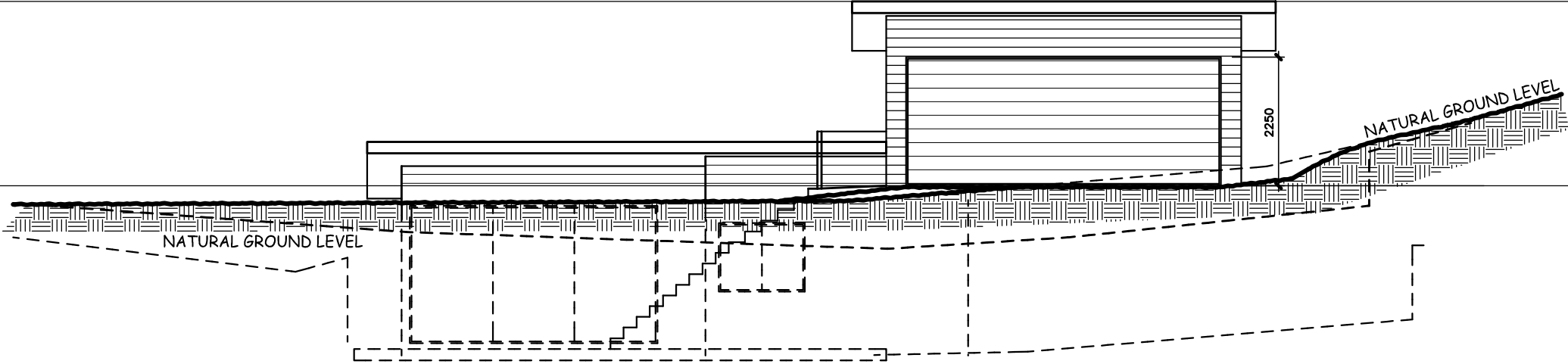
- ROOF SHEETING
- TO GARAGE TO BE LYSAGHT LONGLINE 305
 - TO RESIDENCE TO BE COLORBOND CUSTOM ORB
- WALL CLADDINGS
- TO GARAGE TO BE SCYON 'AXON' CLADDING
 - TO RESIDENCE TO BE HARDIES 'MATRIX' CLADDING
- SUB-FLOOR TO BE RENDLED BRICKWORK
- WINDOWS TO BE AWS POWDER COATED ALUMINIUM





GARAGE FLOOR RL64.4

GARAGE FLOOR RL64.4

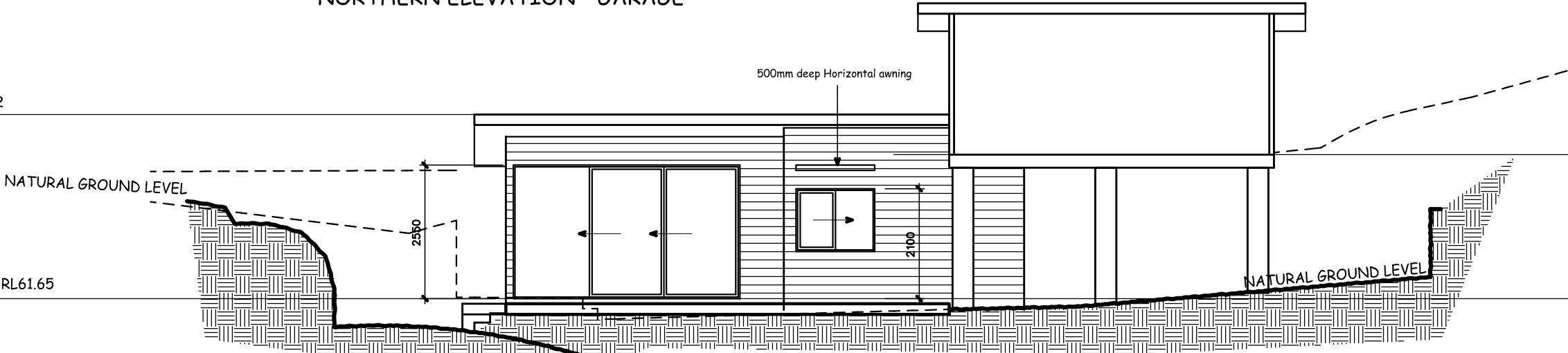


NORTHERN ELEVATION - GARAGE

RIDGE HEIGHT RL67.65

GRANNY RDIGE RL65.2

GARAGE FLOOR RL64.4



NORTHERN WEST ELEVATION - GRANNY FLAT

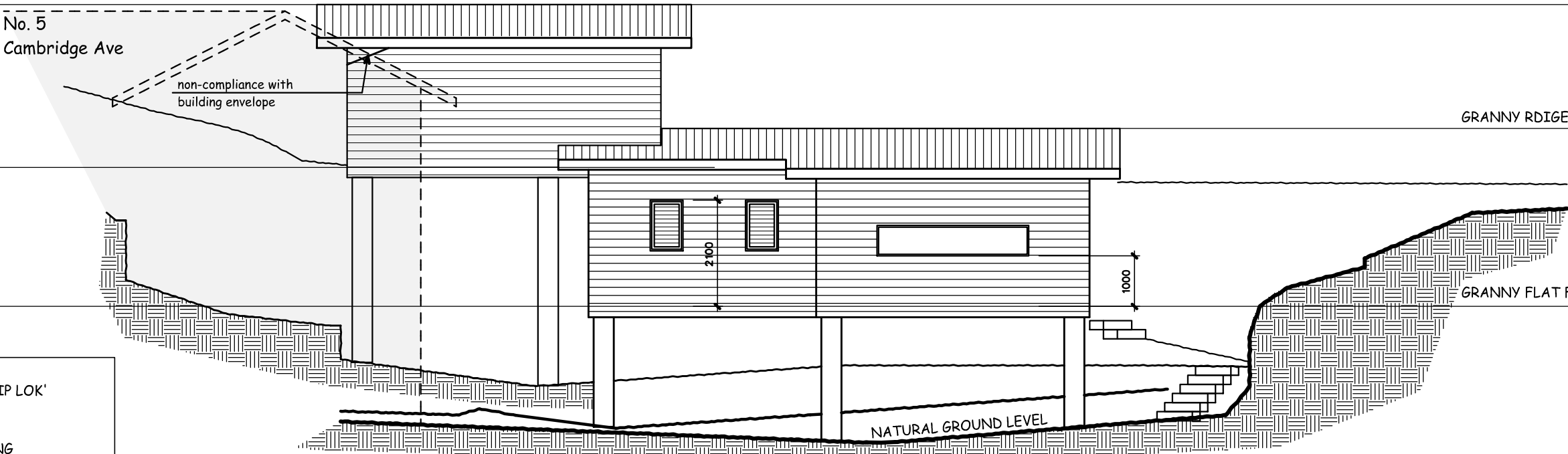
GRANNY FLAT FLOOR RL61.65

GRANNY FLAT FLOOR RL61.65

GRANNY FLAT FLOOR RL61.65

RIDGE HEIGHT RL67.65

RIDGE HEIGHT RL67.65



SOUTHERN EAST ELEVATION

GRANNY RDIGE RL65.2

GARAGE FLOOR RL64.4

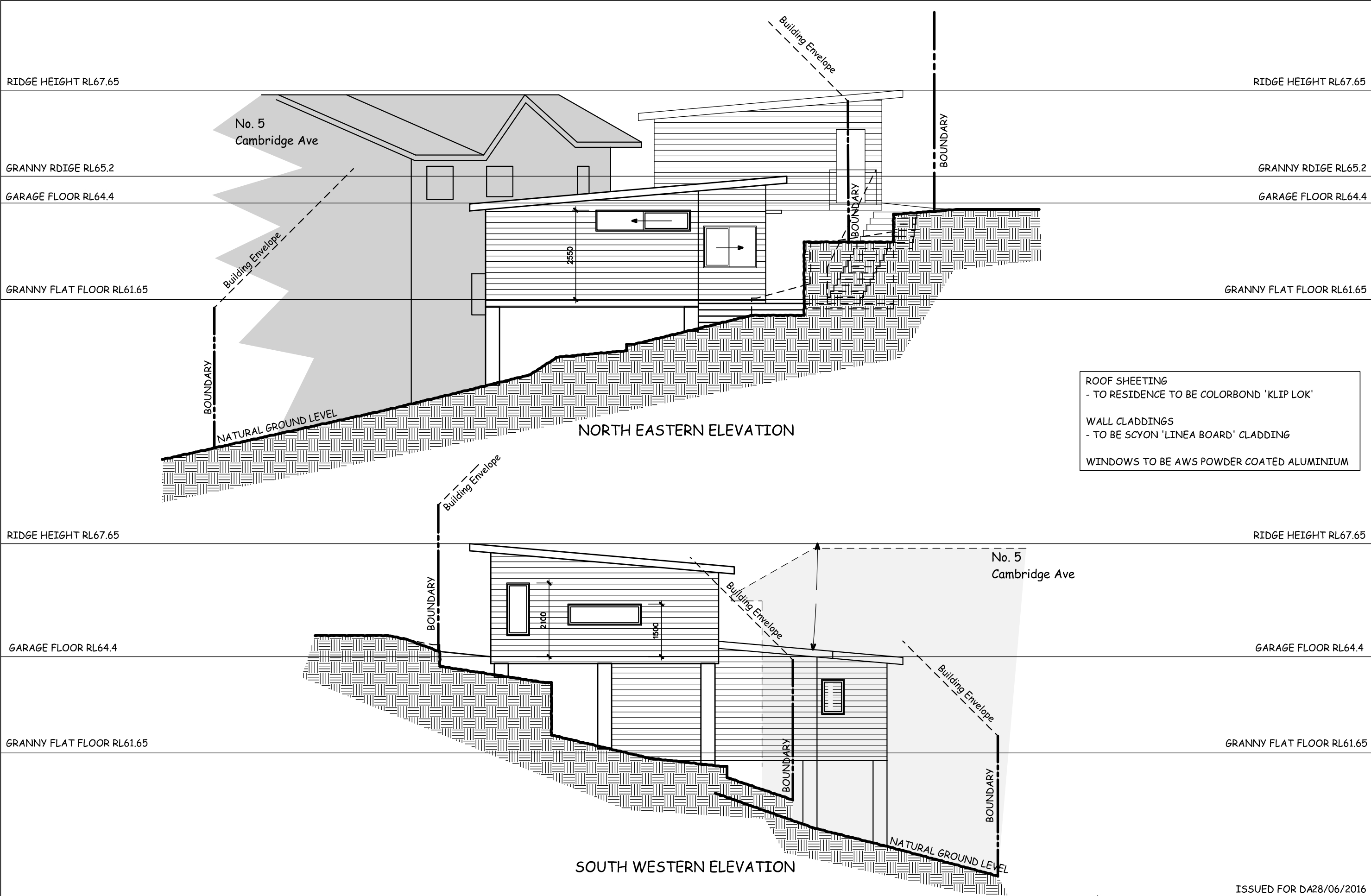
GARAGE FLOOR RL64.4




GRANNY FLAT FLOOR RL61.65

GRANNY FLAT FLOOR RL61.65

- ROOF SHEETING
- TO RESIDENCE TO BE COLORBOND 'KLIP LOK'
- WALL CLADDINGS
- TO BE SCYON 'LINEA BOARD' CLADDING
- WINDOWS TO BE AWS POWDER COATED ALUMINIUM

ISSUED FOR DA28/06/2016





47 Towradgi Street, Narrabeena, 2099, NSW
ABN 17 751 732 195
Mobile : 0414 731 685
or 0413 572 250
<http://www.designanddraft.com.au>

Client

ALEC
ZHANG

Drawing Title

PROPOSED SUB DIVISION and RESIDENCES
4 Cambridge Avenue NARRAWEENA NSW 2099
RESIDENCE 2 - GRANNY FLAT
ELEVATIONS SHEET 2

True
North

Scale 1:100
Date JUNE 2016

Job Number 12-1015
Drawing Number R2 A12
Drawn S.G.
Checked S.G.

ISSUED FOR DA28/06/2016