

AGENDA

DEVELOPMENT DETERMINATION PANEL MEETING

Notice is hereby given that a Meeting of the Development Determination Panel will be held in the Walamai Room, Civic Centre, Dee Why

WEDNESDAY 11 JULY 2018



Teresa Fazzolari
Acting Manager Business System and Administration

**Agenda for a Meeting of the Development Determination Panel
to be held on Wednesday 11 July 2018
in the Walamai Room, Civic Centre, Dee Why**

1.0	APOLOGIES & DECLARATIONS OF PECUNIARY INTEREST/CONFLICT OF INTEREST	
2.0	MINUTES OF PREVIOUS MEETING	
2.1	Minutes of Development Determination Panel held 27 June 2018.....	4
3.0	DEVELOPMENT DETERMINATION PANEL REPORTS	5
3.1	DA2017/1203 - 23 Loch Street, Freshwater - Demolition works and construction of a dwelling.....	5
3.2	Mod2018/0066 - 63 Undercliff Road, Freshwater - Modification of Development Consent DA2013/1098 granted for Alterations and additions to a dwelling house and Construction of a swimming pool	45

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 27 JUNE 2018

RECOMMENDATION

That the Panel note that the Minutes of the Development Determination Panel held 27 June 2018 were approved by all Panel Members and have been posted on Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

ITEM 3.1	DA2017/1203 - 23 LOCH STREET, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING
REPORTING MANAGER	Anna Williams
TRIM FILE REF	2018/400459
ATTACHMENTS	1 ↓ Assessment Report 2 ↓ Site Plan and Elevations

PURPOSE

To refer the attached application for determination as required under adopted delegations of the Charter.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant Development Consent to DA2017/1203 for Demolition works and construction of a dwelling on land at Lot 7 DP 14040, 23 Loch Street, FRESHWATER, subject to the conditions outlined in the Assessment Report.



REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 11 July 2018

23 Loch Street Freshwater - Demolition Works and construction of a dwelling

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/1203
Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 7 DP 14040, 23 Loch Street FRESHWATER NSW 2096
Proposed Development:	Demolition Works and construction of a dwelling
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Determination Panel
Land and Environment Court Action:	No
Owner:	Darren Andrew Holland Tania Brenda Holland
Applicant:	Darren Andrew Holland
Application lodged:	06/12/2017
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	21/12/2017 to 29/01/2018
Advertised:	Not Advertised
Submissions Received:	3
Recommendation:	Approval
Estimated Cost of Works:	\$ 2,280,140.00

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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D6 Access to Sunlight
 Warringah Development Control Plan - D7 Views

SITE DESCRIPTION

Property Description:	Lot 7 DP 14040 , 23 Loch Street FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the eastern side of Loch Street.</p> <p>The site is regular in shape with a frontage of 12.575m along Loch Street and a depth of 50.29m. The site has a surveyed area of 632.3m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a split-level dwelling house and ancillary outbuildings. Existing on the site is a newly constructed swimming pool and cabana at the rear eastern end of the site. These elements are to remain as part of the proposed works.</p> <p>Surrounding development consists predominantly of dwelling houses on the eastern side of Loch Street. Directly opposite the site on the western side of Loch Street is a residential flat building (No.28), approximately three (3) storeys in height which contains twelve (12) apartments.</p> <p>The site has an easterly aspect with a moderate to steep slope that descends away from the western boundary frontage of the site down the rear eastern boundary.</p>



Average slope on the site has been estimated at approximately 10m or 20%. A sandstone rock outcrop occurs towards the rear of the site. No significant vegetation exists on the site, apart from a mature Norfolk Island Pine located on the southeastern corner of the site.

Map:



SITE HISTORY

Development Application No. DA2011/0861 for "Alterations and additions to a dwelling house" was approved on 11 October 2011.

Modification Application No. MOD2011/0251 to modify existing development consent DA2011/0861 was granted consent on 23 January 2012.

Development Application No. DA2015/1173 - Application for alterations and additions to the existing dwelling and construction of a swimming pool and adjoining pavilion. This application was approved under delegation on 19 September 2016.

Modification Application No. MOD2017/0156 for minor alterations to development consent DA2015/1173 was approved on 18 August 2017.

On 5 October 2017, a pre-lodgement meeting (PLM2017/0115) was held for construction of a three storey dwelling, landscaping and a pool. The application subsequently lodged on 14 December 2017 generally reflects the proposal discussed at this pre-lodgement meeting with the exclusion of the swimming pool and some minor changes reflective of the advice provided at the meeting.

Development Application No. DA2017/1203 for demolition of the existing dwelling and construction of a new dwelling was lodged with Council on 14 December 2017. This application is the subject of the assessment.

There are no further relevant applications for the subject site.



PROPOSED DEVELOPMENT IN DETAIL

The proposed development includes demolition of the existing dwelling and construction of a new dwelling. Specifically, the works include:

Lower Ground Floor (RL44.37)

- Three car garage with external turning circle and bin area (RL44.32)
- Kitchen
- Dining room
- Living room
- Bedroom with ensuite
- Lift access

Ground Floor Level (RL47.25)

- Music Room
- Study
- Family Room
- TV Room
- Laundry
- East facing balcony adjoining Family Room with open frame pergola over (25.6m²)
- Stair access to Lower Ground Floor level
- New front fence and entry portico

First Floor Level (RL50.13)

- Bedrooms 2, 3 and 4
- Retreat
- Bathroom with separate WC
- Master bedroom with walk-in robe
- Master ensuite
- Balcony off master (12.5m²)



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 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</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 has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the</p>



Section 4.15 Matters for Consideration'	Comments
	Building Code of Australia (BCA). This matter has been addressed via a condition of consent. Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Mark Andrew Casazza	19 Loch Street FRESHWATER NSW 2096
Mr Stephan Nicholas David	4 / 28 Loch Street FRESHWATER NSW 2096
Stanko Vidaic	26 Loch Street FRESHWATER NSW 2096



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

- **21 Loch Street**

As a result of non approved and approved works, the natural existing ground has been filled to accommodate associated works to the existing residence. This at the time based on merit, had minor impact on others, and no additional floor levels or raising of the structure. Now that the existing is to be demolished, and a new residence proposed, we request a common sense approach based on its merits and impacts.

The original natural topography/ground levels be considered as to deliver consistency of neighbouring building heights and DCP compliance of side envelopes and overall heights. The result, a better view corridor for neighbours, for us better solar access to our most commonly used private open space leading off Laundry, Rumpus, pool and garage that already lacks solar access in winter.

Attached a PDF of a survey showing original natural ground and retaining walls for 21 Loch St, post additional raising of levels. This survey was the basis for the design of 21 Loch Street. Supporting photos showing original retaining wall at front, rubble retaining wall under paling fence at middle, and construction of the raised retaining wall at front. I hope these raised facts can show the history behind this application as to access this application on its merits

Comment:

Ground Levels

In relation to the ground levels used for determining building height, Warringah Local Environmental Plan 2011 (WLEP 2011), defines building height as follows:

"building height (or height of building) means:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

Accordingly, building height for this development has been measured using the existing ground levels on the site consistent with WLEP 2011.

View Corridors for neighbours

A detailed view analysis for the neighbour on the western side of Loch Street, No. 26 has been provided under clause D7 Views.

Solar access to private open space off laundry, rumpus, pool and garage

These areas are located at the eastern end of this adjoining property and while this site is located to the south of the subject site, the shadow diagrams submitted with the application demonstrate that the north facing windows to the Rumpus Room remain mostly unaffected until midday with only the western most window at ground level impacted by shadows. Given the orientation and slope of these sites, the solar access to No. 19 Loch Street is considered satisfactory. A detailed assessment of overshadowing created by this development has been provided under Clause D6 Access to Sunlight. This issue does not hold determining weight.



- **Unit 4/28 Loch Street**

Just go to the last D.A. 2015/1173 and look at everyone's complaints which were decided to be ignored by one person only and not a committee as you didn't have one. Since then the trees planted by D.A. Holland have grown up so, how is it someone is allowed to take the views of others and devalue their property, or build a house which will have the same effect? Also asked before and not answered, how do 2.4 meter high walls get approved in someones front yard when in N.S.W. 1.2 meter high is the limit.

Comment:

Previous approval

With reference to the previous development consent DA2015/1173, this application was assessed pursuant to the relevant planning legislation and Council processes and approved under the delegation of the Manager of Development Assessment.

Tree Planting on site

In relation to trees being planted previously on the subject site, there are no controls which relate to the height of vegetation in this location. The proposed dwelling has been assessed in detail and specific concerns relating to views have been addressed within Clause D7 and assessed against the Tenacity court principles.

Height of front fence

In terms of the fences proposed for the site, the current application seeks a front boundary masonry fence which varies in height between 1.5m (southern end) up to 1.95m at the entry gates and 1.8m at the northern end. In addition, the fence incorporates an entry portico with a finished height of approximately 2.5m. There is no justification for fencing of this height in this location, accordingly, it is recommended that the fence elements either side of the entry portico and driveway gates have a maximum height of 1.5m. A condition to this effect is included within the recommendations of this report. The issues raised in this submission are not considered to hold determining weight.

- **26 Loch Street**

Please note that the comments below are essentially a summary of a previous submission we made against a DA2015/1173 for the same property and same owner. While the previous DA2015/1173 (still can be viewed online) was approved without any regard to our concerns, we hope you will review them again and take note of our current comments in conjunction with previous ones more seriously.

Our property is located slightly adjacent on the opposite side of the street. The front of our dwelling faces East and includes the major living areas which have direct water views over 23 Loch St.

We believe this new proposed development doesn't show any regard or consideration for the current level of shared water views we have. Consequently it will eliminate all the water views which will have a significant negative impact on the current and future value of our property.

We also have concerns that this DA is based on existing and not on original ground levels which will breach Councils maximum building height and envelope regulations. From our observations of the gradual development and changes carried out on this site over the recent years, we question what are the original ground levels that this DA needs to be based on. Height compliance should be measured from the original ground levels and not from any new altered ground level benchmarks.



We therefore request that should the Council support this proposal, it be reduced in height, to ensure our water views are not unreasonably obstructed which will have a negative effect on the current and future value of our property. Specifically it is requested that the ground levels be reviewed and be returned to its original natural line.

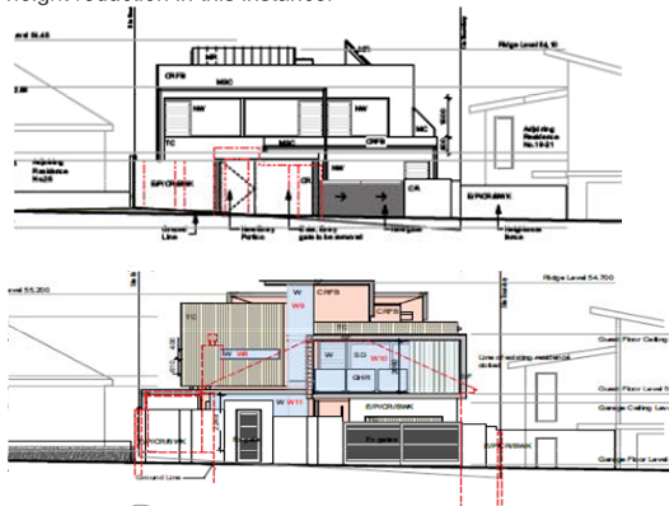
Comment:

Ground Levels

As discussed previously, the ground levels used for the assessment of this application are legally the existing ground lines pursuant to the definition contained within WLEP 2011. This issue does not hold determining weight.

Height reduction

The proposed development complies with the maximum building height of 8.5m with the tallest element being the protruding roof section on the southern side of the dwelling which has a true height of 8.5m but a height measured from street level of approximately 6.9m. The current design provides a simpler and less bulky development with an overall height 0.75m lower and with the bulk of the facade measuring RL53.5 at the top of the parapet (approximately 1.7m) lower. The proposed design presents as a two storey dwelling when viewed from the street or the properties to the west. Two storey development is the expected form of development in this locality and is replicated to similar scales along Loch Street. There is no justification for further height reduction in this instance.



Current Proposal DA2017/1203

Previous Approval DA2015/1173

View Loss

A full view loss analysis has been provided within Clause D7 of this assessment. While some loss of water views will result from the proposed development, on balance the development is considered reasonable and view loss considered minor.

MEDIATION

DA2017/1203

Page 9 of 40



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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	No objections subject to conditions.
NECC (Bushland and Biodiversity)	Council's Natural Environment and Climate Change (NECC) - Biodiversity section, raise no objections to the proposal, subject to conditions as recommended.
NECC (Development Engineering)	<p>2nd Engineering Referral Response</p> <p>A revised stormwater plan from E2 Civil and Structural Design Pty Ltd has been submitted to Council on 31/5/2018. The details can be found in Trim 2018/374788</p> <p>The plan has been assessed. Some minor details of the plan need to be amended. A condition has been placed in the consent to address the required changes.</p> <p>However, the system was designed based on the refusal of the drainage easement from downstream properties. Two statutory declarations have also been submitted by the property owner. These declarations state that the owners of No. 12 and 14 Ellen street have been approached and they refused to grant any easement in their properties.</p> <p>As such, Development Engineer has no objection to the application subject to conditions of consent.</p> <p>1st Engineering Response</p> <p>Stormwater shall be disposed of to an existing system or in accordance with Council's Stormwater Drainage from Low Level Properties Technical specification which does not permit a pump out system. Details demonstrating that the existing approved drainage system can accommodate the additional flows or compliance with the stormwater Drainage from Low Level Properties Policy are required. Modular tank cell OSD system will not be permitted by Council as they cannot be accessed for inspection, cleaning and maintenance.</p> <p>The proposal involves significant amounts of excavation to accommodate the Lower Ground Floor and Ground Floor Levels.</p> <p>Evidence must be provided to show how excavated areas will be supported; this must include size and location of any required retaining walls. Proposal is not supported due to inadequate information to address the management of stormwater in accordance with Council's Stormwater Drainage from Low Level Properties Specification and C4 of Council's DCP.</p>

DA2017/1203

Page 10 of 40



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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 876678S dated 15 November 2017).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	40	60

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

SEPP (Infrastructure) 2007

DA2017/1203

Page 11 of 40



Ausgrid

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

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

Comment:

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	8.22m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.7 Demolition requires consent	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

DA2017/1203

Page 12 of 40



Yes

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	Complies	N/A	Yes
B3 Side Boundary Envelope	North - 5m	0.06m	N/A	No
	South - 5m	Up to 0.96m for a distance of 5.7m	N/A	No
B5 Side Boundary Setbacks	North - 0.9m	0.9m	N/A	Yes
	South - 0.9m	0.9m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	6.5m to dwelling Nil to Entry Portico	Nil 100%	Yes No
B9 Rear Boundary Setbacks	6m	16.132m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40% (252.92m ²)	38.3% (242.14m ²)	1.7%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes

DA2017/1203

Page 13 of 40



Clause	Compliance with Requirements	Consistency Aims/Objectives
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The proposed development results in a number of minor breaches to the side boundary envelope. Along the southern elevation there are three (3) locations where the development falls outside the envelope and in one (1) location on the northern facade.

Merit consideration

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

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

Comment:

The proposed development complies with the maximum height requirement of 8.5m. The development presents as a two storey dwelling from the Loch Street frontage and incorporates a range of physical and material articulation to minimise any appearance of bulk.

While there are approximately three (3) locations along the southern facade and one (1) location along the northern facade where the envelope is breached, these areas do not result in material adverse impacts on the height and bulk of the proposal.

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

Comment:

The proposed development has been assessed with consideration of light, solar access and privacy in detail within the relevant sections of this report. On balance, the design is considered to maintain adequate separation achieving an acceptable response in terms of solar access and privacy.

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



Comment:

The site contains a fall from the front boundary to the back of the proposed dwelling of approximately 11% and an overall fall from the street to the rear boundary of approximately 18.3%. The bulk of the building form has been kept to the western half of the site to ensure impacts on the adjacent dwelling are minimised as the topography of the land increases in gradient. The proposed development has been excavated to provide a lower ground floor level which will not be obvious from street level presenting as a two storey dwelling, and facilitates a building which is compliant with the maximum height requirement of 8.5m.

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 s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed development includes an Entry Portico within the front setback which extends approximately 2.8m into the front setback, is approximately 4.0m wide and has a height of 2.5m. The front boundary setback is defined within Warringah Development Control Plan as:

"the distance measured perpendicular to the road frontage property boundary up to any structure on the allotment."

As the entry portico is considered a structure other than a fence, a variation to this part is required. With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The layout of the proposed development includes a setback to the face of the dwelling of 8.3m and setback to the protruding architectural louvres of 6.5m. The design incorporates a covered entry portico which begins at the front boundary and extends into the site for approximately 2.8m. The front fence ranges in height from 1.5m to 1.95m. A condition of consent has been recommended for imposition to limit the height of the fence to 1.5m. Subject to condition the proposal is considered to satisfactorily create a sense of openness.

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

Comment:

The design of the proposed dwelling is considered to provide adequate articulation and is similar in height, bulk and scale to other new dwellings under construction or already constructed in close proximity to the site.

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



Comment:

The design contains a high degree of architectural merit and is considered to enhance the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

A detailed view analysis has been undertaken for the properties opposite the subject site. The proposal is considered to provide adequate view sharing.

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 s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The proposed development results in a minor non-compliance with the landscaped open space provisions on the site by approximately 1%.

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

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

Comment:

The planting plan for the site includes screen planting along the inside of the front boundary fence on the northern side of the entry portico with lawn behind and raised planter beds along the southern side of the driveway with a hedge on the boundary and lower scale plants in front.

The entry portico has been designed to provide a feature point at the entrance to the site and includes a feature palm centrally located on the front boundary.

The proposed planting and front entry design are considered to enhance the streetscape.

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

Comment:

There are no indigenous vegetation, topographical features or habitat for wildlife impacted by the proposed development.

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

Comment:

DA2017/1203

Page 16 of 40



The proposed site layout includes a range of boundary screen planting and low scale shrubs, feature trees at the front of the site and areas of low height mass plantings to the raised garden areas. The site contains a very large Norfolk Island Pine tree toward the rear of the site which has been retained in the previous works for a swimming pool and pavilion and is retained in the current design also. Accordingly, the site will provide a mixture of plant species and heights complimentary to the architecture of the design.

- *To enhance privacy between buildings.*

Comment:

The proposal incorporates areas of screen planting and hedging to provide a softened form of separation with the adjacent properties.

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

Comment:

The site contains a new swimming pool area with adjoining pavilion which provides a functional area for outdoor entertaining and play suited to a family dwelling.

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

Comment:

There is adequate space for required service areas including clothes drying.

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

Comment:

A stormwater design has been provided for the proposed development which has been appropriately conditioned as part of the consent.

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 s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D6 Access to Sunlight

Merit consideration

A submission was received from the adjoining southern neighbour in relation to loss of solar access from the proposed development. Specifically, the submission stated "Solar access to private open space off laundry, rumpus, pool and garage" was the concern.

These areas are located at the eastern end of this adjoining property and while this site is located to the south of the subject site, Given the orientation and slope of these sites, the solar access to No. 19 Loch Street is considered satisfactory. This issue does not hold determining weight.



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 Applicant has submitted shadow projections for the northern elevation of No. 19 Loch Street located to the direct south of the subject site. The shadow diagrams submitted with the application demonstrate that the north facing windows to the ground floor Rumpus Room (of which there are three (3)) are affected by some overshadowing from the proposed development. The new works include a privacy screen along but set in from the southern property boundary which extends for a length of approximately 8.0m. This screen as proposed will cast shadow across the western most window at ground level at 9am. By midday the middle window will be affected by shadows and by 3pm the entire northern facade is impacted by shadows.

It is noted that this neighbouring dwelling at No.19 Loch Street contains full height glazing to the eastern elevation at ground and first floor levels which will remain unaffected by the proposed development. In addition, this neighbouring dwelling has a roof terrace which will be mostly unaffected for the majority of the day.

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

Comment:

The proposed development has incorporated a louvre style screen extending from the back of the dwelling along the roof of the pool pavillion in order to create improved privacy and amenity for the site while allowing some filtered views to the north. This screen is the cause of the shadow impact to the ground floor rumpus room windows until approximately midday. It is recommended that this screen be reduced in length by at least 1.3m which will improve the view corridor and also the solar access in the morning to the ground floor rumpus room.

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

Comment:

As identified above, the main living areas within the adjoining property to the south are the ground floor rumpus room, first floor living/dining room and second floor roof terrace.

The roof terrace is generally unaffected by the proposed development.

The first floor living room contains a large east facing deck with floor to ceiling window and two north facing windows which are unaffected by shadows until after midday. While shadows from the proposed development affects the north facing windows by 3pm, these areas are considered to receive adequate solar access for more than 3 hours between 9am and 3pm.

The ground floor rumpus room which has three (3) north facing windows and a balcony with floor to ceiling windows along the eastern facade will have sunlight penetration into all three windows at 9am (subject to a condition reducing the length of the screen). By midday, the shadows will affect two of the windows and by 3pm all the windows on the northern facade will be in shadow. Notwithstanding, this area is considered to receive adequate solar penetration for



at least 3 hours in the morning before the sun moves over the top of the dwelling to the west.

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

Comment:

The proposed design includes the use of a photovoltaic system for solar energy production and incorporates sufficient placement of windows and skylights.

- *To minimise the need for artificial lighting.*

Comment:

Artificial lighting has been identified for use in the Applicant's BASIX certificate in the form of LED lamps within a number of rooms in the development. Given the orientation of the main living areas of the dwelling with substantial east facing windows, artificial lighting within the design has been maintained at an acceptable level.

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 s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D7 Views

Merit consideration

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

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

Comment:

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

1. Nature of the views affected

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

Comment to Principle 1:

The views affected are intermittent water views at the horizon.

2. What part of the affected property are the views obtained



"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment to Principle 2:

The views are obtained at the front of the site from the first floor living area, kitchen and balcony within No. 26 Loch Street, Freshwater. The water is visible mostly from a standing position.

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:

Views from this property are segmented water views obtained in between the roof forms of the properties on the eastern side of Loch Street and where the property is single storey a small line of water over the top of roof. These interrupted views extend in a 180 degree arc from the north to the south. Water glimpses begin between No.25 and No. 23 Loch Street and continue around to a lesser degree with distant views to North Head and Manly.

These views are interrupted by development in front of the submitters property and are therefore not complete views (see Photographs 1,2 and 3). While the proposal will affect the current water glimpse between No.25 and No.23 Loch Street (see Figure 1), views around No. 19 Loch Street will remain. Accordingly, while the owners of No. 26 feel the impact is unreasonable, the extent of impact in this instance is considered minor.



Photograph 1 - View from east facing balcony toward No.23 and No.19 Loch Street.



Figure 1 - View Analysis by Applicant of view loss from No. 26 Loch Street.



Photograph 2 - View from east facing balcony toward No.23 and No.19 Loch Street.



Photograph 3 - View from east facing balcony toward No.17 (under construction) and No.15 Loch Street.

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

DA2017/1203

Page 22 of 40



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:

As detailed within the compliance table for the principle development standards and built form controls section of this assessment report, the proposed development complies with the maximum building height of 8.5m. The development results in minor non-compliance with the side boundary envelope and wall height requirement on the south-eastern end of the development (see Figure 2).

The main bulk of the proposed new dwelling design when viewed from the properties on the western side of Loch Street has a finished level at the parapet of RL53.5 which is 1.7m lower than the previously approved alterations and additions. While the current proposal has two (2) elements that protrude above the parapet level which contain clerestory highlight windows. These elements are below the maximum height and still 1.1m below the previously approved building height.

The area of non-compliance relates to a section of parapet wall section adjoining the non-trafficable roof area outside the master ensuite. The finished height of this parapet is the same as the front ground floor parapet which is approximately 3.6m high at street level. These non-compliances are not the cause of the view loss and do not create any material impacts in isolation. The complying first floor facade which is higher and wider than the existing single storey hipped roof is the source of the view loss.

The proposed dwelling design on balance is considered a reasonable response to the subject site and its constraints. The resulting view loss would not benefit from amending the design to address the small non-compliances and the view impact in this instance is considered reasonable and acceptable.

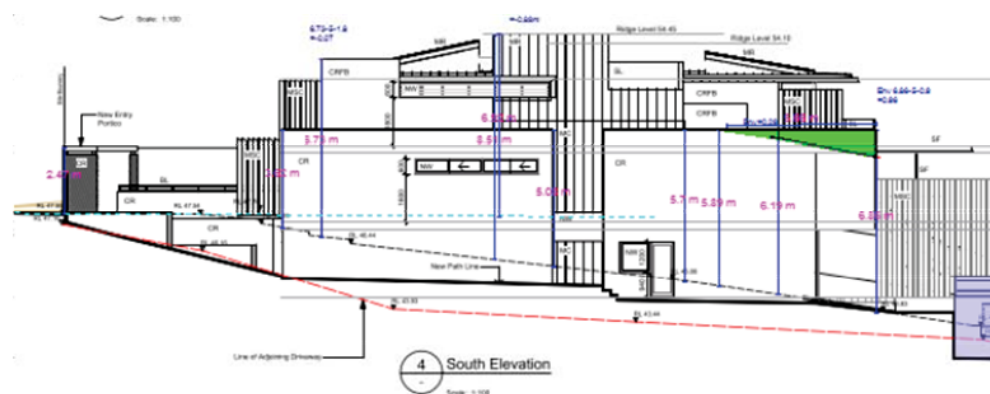


Figure 2 - Southern elevation highlighting side boundary envelope and wall height non-compliance

DA2017/1203

Page 23 of 40



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

Comment:

The proposed design is a modern architectural response to the site and needs of the occupants. The interface with the street provides a modest scale of development which is considered an aesthetic and functional improvement to the immediate urban environment.

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

Comment:

The site contains a significant Norfolk Pine which is located toward the rear southern boundary of the site. This tree is clear of the proposed building works and its canopy is not proposed to be affected.

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 s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 2,280,140		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 21,661
Section 94A Planning and Administration	0.05%	\$ 1,140
Total	1%	\$ 22,801

Issue with dual consents

At the pre-lodgement meeting held in October 2017 for the subject development, the written advice provided to the Applicant recommended independent legal advice be obtained in order to facilitate

DA2017/1203

Page 24 of 40



orderly development of the site due to the previous development consent (DA2015/1173) being partially constructed (insofar as the swimming pool and cabana) but not completed should a new development consent for a new dwelling be issued.

The Applicant has submitted legal advice in response to this request which states the following:

"The Act provides a little-known but specific mechanism which enables a later development consent to modify an earlier development consent, such that the two development consents become identical. Importantly, that modification process occurs outside of section 96 of the Act and is therefore not subject to the "substantially the same development" test that is a mandatory prerequisite to any application made under s96 of the Act."

Legislation

The relevant provision of the Environmental Planning and Assessment Act is Section 4.17 (5) which states:

(5) Modification or surrender of consents or existing use rights If a consent authority imposes (as referred to in subsection (1) (b)) a condition requiring the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11, the consent or right may be modified or surrendered subject to and in accordance with the regulations.

Clause 97 of the Environmental Planning and Assessment Regulation 2000 states:

97 Modification or surrender of development consent or existing use right (cf clause 68 of EP&A Regulation 1994)

(1) A notice of modification or surrender of a development consent or existing use right, as referred to in section 4.17 (5) of the Act, must include the following information:

- (a) the name and address of the person by whom the notice is given,*
- (b) the address, and formal particulars of title, of the land to which the consent or right relates,*
- (c) a description of the development consent or existing use right to be modified or surrendered,*
- (d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered,*
- (e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.*

(2) A duly signed and delivered notice of modification or surrender of a development consent or existing use right referred to in subclause (1):

Interpretation

Council may approve the subject application for a new dwelling house subject to the imposition of a condition of development consent pursuant to s.4.17(1)(b) (and 4.17(5)) of the Act, requiring the modification (through clause 97 of the Regulations) of the previous consent (DA2015/1173) so that the two consents are essentially combined with the swimming pool and cabana already constructed under DA2015/1173 and the dwelling from the current application DA2017/1203 forming the new scope of works. A construction certificate for the works under DA2017/1203 will be required and the Principal



Certifier will be able to issue an occupation certificate. This process does not require any further approval by Council.

"Once such a condition is imposed by Council, this is then given effect to under clause 97 of the Environmental Planning and Assessment Regulation 2000, by requiring the applicant / developer to lodge a simple notice (prepared in accordance with clause 97) with Council. That notice, when lodged with the Council, "operates, according to its terms, to modify the development consent to which it relates" (clause 97(2)). It is not in any way subject to any requirement that the modified development be substantially the same as the later approval, nor any further merit assessment whatsoever. It is intended expressly to enable two development consents on a site to be reconciled so that they are identical."

Councils Position

Council have provided a condition of consent recommended for imposition on this development consent which invokes the provisions of s.4.17(1)(b) and s4.17(5) of the Act and clause 97 of the Regulations to align both consents so that they read as one consent.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/1203 for Demolition

DA2017/1203

Page 26 of 40



Works and construction of a dwelling on land at Lot 7 DP 14040, 23 Loch Street, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 101 - Site/Roof & Lower Ground Floor Plan - Rev A	16/11/2017	Playoust Churcher Architects
DA 102 - Ground & First Floor Plan - Rev A	16/11/2017	Playoust Churcher Architects
DA 103 - Demolition & Excavation Landfill Plan - Rev A	16/11/2017	Playoust Churcher Architects
DA 200 - Elevations - Rev A	14/11/2017	Playoust Churcher Architects
DA 201 - Sections - Rev A	16/11/2017	Playoust Churcher Architects
LP 01 - Landscape Plan - Rev A	13/11/2017	Landart Landscapes

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Risk Analysis & Management	16 November 2017	Jack Hodgson Consultants Pty Limited

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

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

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

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

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments

DA2017/1203

Page 27 of 40



- specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)



3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is



- dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following:

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

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:



Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 2,280,140.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 21,661.33
Section 94A Planning and Administration	0.05%	\$ 1,140.07
Total	1%	\$ 22,801.40

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

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

6. **On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in



accordance with the concept drainage plans prepared by E2 Civil and Structural design Pty Ltd, Job number 17.507, dated 15/05/2018, Rev C.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

1. The level spreader shall be not located 3 meters of the rear boundary
2. Total discharge including bypass flows and controlled flows from the site must not exceed the 1 in 5 year ARI state of nature storm event.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. **Structural Adequacy and Excavation Work**

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

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

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

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

Reason: Safety. (DACENC19)

8. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

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

DA2017/1203

Page 32 of 40



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

9. Compliance with Standards

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

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

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

10. External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

11. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

12. Notice to modify DA2015/1173 pursuant to Clause 97 of the Regulations

Pursuant to s.4.17(1)(b) and 4.17(5) of the Act and clause 97 of the Environmental Planning and Assessment Regulations 2000, a notice of modification of a development consent in relation to DA2015/1173 providing for the modification of that consent to exclude all works except the swimming pool, pavillion and landscaping works adjoining these elements, so that it is taken to be identical to this consent.

Details demonstrating compliance shall be lodged with Council prior to the issue of any Construction Certificate for this consent

Reason: To ensure the orderly development of the site. (DACPLCPCC1)



13. Reduction in length of metal privacy screen on southern, rear side of the site

The metal privacy screen proposed at the rear of the dwelling along the southern boundary of the site is to be reduced in length to a maximum of 6.7m measured from the eastern face of the dwelling adjacent to the external stairs. Details demonstrating compliance are to be provided to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure reasonable amenity is maintained to the adjoining property. (DACPLCPCC2)

14. Front Fence Height

The proposed front masonry fence (including the driveway gates and entry portico gates, walls/supports) is to have a maximum finished height of 1.5m measured from the existing ground level within the road reserve outside the site boundary. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure front fencing remains characteristic with the surrounding streetscape.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Tree protection

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAD01)

16. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNEDPC1)

DA2017/1203

Page 34 of 40



CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

Reason: Public Safety. (DACENE09)
18. **Maintenance of Sediment**
Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective
19. **Waste Management During Development**
The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.
20. **Trees Condition**
During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.
Any mitigating measures and recommendations required by the Arborist are to be implemented.

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

Reason: Protection of Trees. (DACLA03)

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

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

DA2017/1203

Page 35 of 40



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

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

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

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

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

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

Reason: To identify encumbrances on land. (DACENF02)

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

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

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

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

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

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

A certified copy of the documents shall be provided to Northern Beaches Council after final approval and registration has been affected by the "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

25. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

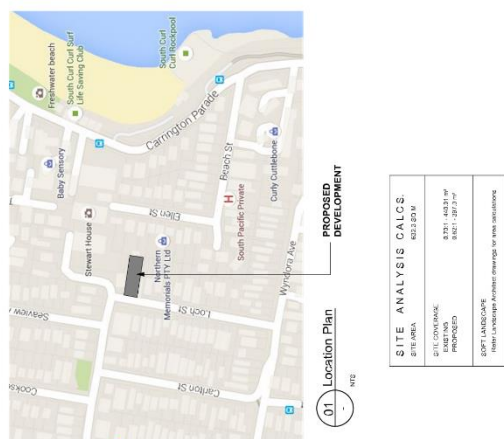


ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

26. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.



Drawing List

DA100-A	Cover Sheet & Site Photos & Basic Commitments
DA101-A	Site / Roof Plan & Lower Ground Floor Plan
DA102-A	Ground Floor Plan & First Floor Plan
DA103-A	Demolition and Excavation Landfill Plan
DA200-A	Site Elevations
DA201-A	Sections
DA202-A	Building Envelope and Height Line Images
DA300-A	Shadow Diagrams
DA301-A	Shadow Elevation Diagrams
DA302-A	Shadow Analysis to No.19-21 Loch Street
DA303-A	Shadow Analysis to No.19-21 Loch Street Courtyard
DA500-A	Finishes Board
DA700-A	View Analysis Images

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Holland Residence
23 Loch Street,
Freshwater, NSW 2086

Mr D. & Mrs T. Holland

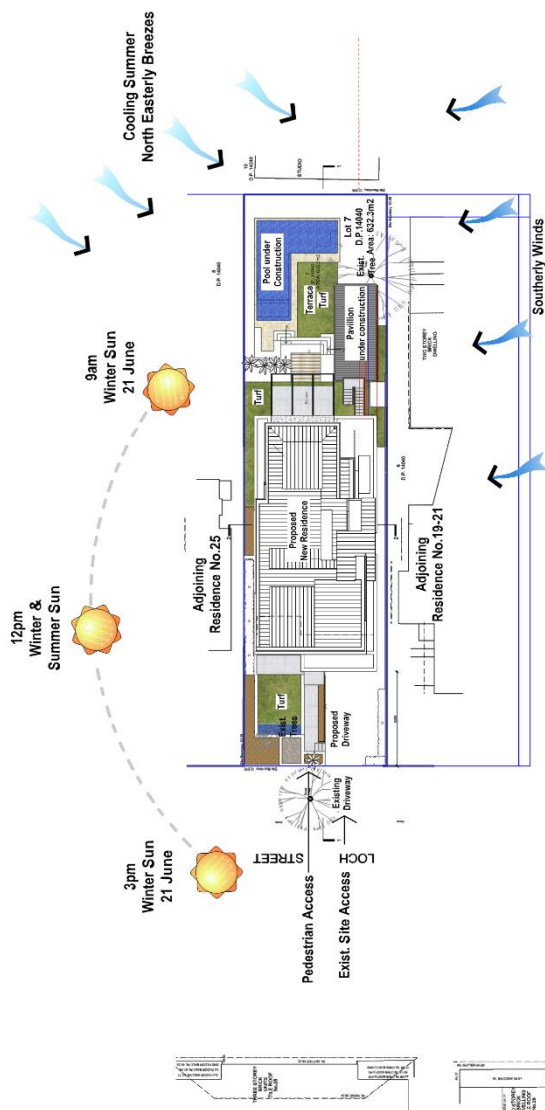
Site Analysis & Ground Floor Plan[illegible]

DEVELOPMENT APPLICATION

DA	100	A
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PLAYOUST
CHURCHER

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BASIC DATA		Market History
Advertiser Name:		20051
Advertiser No.		56
Simple Zone		337 M
Conditioned Floor Area		30.1 M ²
Unconditioned Floor Area		00740596
Reference No.		
MARKETS SIZE RATING		
Heating:	39.7	(M ² /year)
Cooling:	24.9	(M ² /year)
ota:	64.6	(M ² /year)
Stars:	5.1	(NARS)

04 ABSA Specification
As per Certificate No.1011642723



02 Site Analysis



View to Adjoining Residence
No.18-21 Loch St



/view to Rear of Adjoining Residence
No. 19-21 looking to the South



View to Pool and Pavillion under construction (subject site) from rear of property looking to the south east



ITEM 3.2

**MOD2018/0066 - 63 UNDERCLIFF ROAD, FRESHWATER -
MODIFICATION OF DEVELOPMENT CONSENT DA2013/1098
GRANTED FOR ALTERATIONS AND ADDITIONS TO A
DWELLING HOUSE AND CONSTRUCTION OF A SWIMMING
POOL**

REPORTING MANAGER**Anna Willams****TRIM FILE REF****2018/400488****ATTACHMENTS**

- 1** [↓](#) **Assessment Report**
- 2** [↓](#) **Site Plan and Elevations**

PURPOSE

To refer the attached application for determination due to directions provided by the Department of Planning & Environment in relation to applications with a clause 4.6 variation to the building height standard.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council as the consent authority grant approval to Modification Application No. Mod2018/0066 for Modification of Development Consent DA2013/1098 granted for Alterations and additions to a dwelling house and construction of a swimming pool on land at Lot 1 DP 315088, 63 Undercliff Road, FRESHWATER, subject to the conditions outlined in the Assessment Report.



REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 11 July 2018

63 Undercliff Road Freshwater - Modification of Development Consent DA2013/1098 granted for Alterations and additions to a dwelling house and Construction of a swimming pool

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0066
Responsible Officer:	David Auster
Land to be developed (Address):	Lot 1 DP 315088, 63 Undercliff Road FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2013/1098 granted for Alterations and additions to a dwelling house and Construction of a swimming pool
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Development Determination Panel
Land and Environment Court Action:	No
Owner:	Matthew Jeremy Kapp Joanna Theresia Maria Kapp-Cales
Applicant:	Matthew Jeremy Kapp Joanna Theresia Maria Kapp-Cales
Application lodged:	13/02/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	16/02/2018 to 05/03/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

ASSESSMENT INTRODUCTION

MOD2018/0066

Page 1 of 21



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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - B5 Side Boundary Setbacks
Warringah Development Control Plan - B7 Front Boundary Setbacks

SITE DESCRIPTION

Property Description:	Lot 1 DP 315088 , 63 Undercliff Road FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site is generally rectangular in shape, located on the eastern side of Undercliff Road and has an area of 465.9m². A two and three storey dwelling house has been excavated into the site and occupies the front northern portion of the site.</p> <p>The site is situated within an established low density residential area and zoned as R2 Low Density. Adjoining and surrounding development is characterised by two and three storey dwelling house interspersed by residential flat buildings.</p> <p>The site is classified as 'Area B and C' under Council potential Land Slip Map and contains a steep slope which falls down and across the site towards the street.</p> <p>Vegetation on site consists of small retained garden areas within the front and rear setback. Areas of rock outcrops are located within the rear setback, adjacent to the rear southern</p>



boundary. The Queenscliff escarpment is also located behind the site, to the west, and wraps around the headland.

Vehicle access to the site is provided from Undercliff Road.

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Application DA2013/1098 for alterations and additions to a dwelling house and construction of a swimming pool was approved by Council on 16/01/2014. The works included internal alterations to basement, first, second and third levels, and also extensions to these levels. The works also included a new roof form, which was approved with an overall height above 8.5m.

Application Mod2014/0298 for Modification of Development Consent DA2013/1098 was approved by Council on 23/02/2015. The application included minor modifications to the front entry, steps, windows, interior layout, garage, pool, landscaping and roof design, all contained within the approved building envelope with reduced bulk for the purpose of reducing the extent of excavation.

Application Mod2016/0146 for Modification of Development Consent DA2013/1098 was approved by Council on 16/08/2016. This application deleted the amendments approved previously under Mod2014/0298. Therefore, this modification application effectively reverted back to the design of the approved dwelling and swimming pool as per Development Consent DA2013/1098, including the building height, external building elevations and footprint and curved roof form. There were also minor changes to landscaping and pool design, windows, internal configurations and front setback.

Application Mod2017/0104 for Modification of Development Consent DA2013/1098 was approved by Council on 25/08/2017. The application involved alterations to all four levels including internal alterations, windows, external walls, landscaping and pool.



PROPOSED DEVELOPMENT IN DETAIL

The application involves mainly minor internal changes to the previous approvals. The main externally visible modifications are to extend the bottom of the upper level roof with a pergola, and minor alterations to windows. The proposed modifications in detail are as follows (reference numbers relate to those shown on the plans):

Basement

0.AA - Internal reconfiguration of basement garage rear wall and bin enclosure

Level 1

1.AA - Internal reconfiguration of previous powder room (PDR) 2 at rear. Additional excavation and new cellar proposed with reconfigured PDR 3/bathroom layout.

Level 2

2.AA - Additional excavation required in rebuild, increased floor area in Bed 4 and bathroom. Reconfigured internal bathroom layout.

2.BB - Deletion of window W2.10 and widening of W2.11.

Level 3

3.AA - Previously proposed lift window on north relocated to east side of lift shaft.

3.BB - Amended northern terrace roof, now pergola over terrace with open operable retractable louvre section.

- Northern projection extended 2145mm from previously approved outer eastern edge 9075mm in length.
- Northern projection reduced 875mm from previously approved outer western edge 2080mm in length.
- Outer roof fascia line/barge lowered 420mm

3.CC - Addition of external face sliding aluminum privacy screen on north east facing glass window W3.01.

Void Mezzanine

4.AA - Addition of external louvre blind aluminum at mezzanine windows and high level family room windows.

There was a minor error identified on the plans originally submitted with the application, where the extent of the upper level pergola shown on the floor plans did not match that shown on the elevations. The applicant amended the site plan to match the elevations (meaning that the pergola does not extend as far to the north as was originally shown). Re-notification of the application was not considered necessary as the amendment was for the correction of a minor error, and this correction reduced the size of the pergola compared to what was originally shown in any case.

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:

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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 (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2013/1098, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2013/1098.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2013/1098 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Environmental Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control	No submissions were received in relation to this application.

MOD2018/0066

Page 5 of 21



Section 4.55 (2) - Other Modifications	Comments
plan, as the case may be.	

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p>Division 8A of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original 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 clause is not relevant to this application.</p>



Section 4.15 'Matters for Consideration'	Comments
	<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 has been addressed via a condition in the original 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 in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (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) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

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

MOD2018/0066

Page 7 of 21



REFERRALS

Internal Referral Body	Comments
Landscape Officer	No objections to the proposed modification.
NECC (Development Engineering)	The proposed modifications do not impact upon the previous assessment of the application by Development Engineering. No objection to approval with no additional or modified conditions of consent recommended.

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.
Aboriginal Heritage Office	<p>As per the Aboriginal Heritage Office's previous advice for DA2013/1098 (dated 12 Dec 2013), provided that the rock overhang at the rear of the property and paved area beneath it are not impacted, then the Aboriginal Heritage Office would not foresee any Aboriginal heritage issues on the proposal. If the area would be impacted, then the Aboriginal Heritage Office would recommend further investigation ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional prior to any development.</p> <p>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEHS) and the Metropolitan Local Aboriginal Land Council should be contacted.</p> <p>Planner's Note: The proposed modifications do not impact on the rock overhang or paved area beneath it at the rear of the property.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land



Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

No new BASIX certificate has been provided with the application. However, the application only involves mostly internal changes, a new pergola roof, and minor changes to some windows. There is a condition of consent on the original notice of determination requiring the building to comply with BASIX requirements. If these are not able to be complied with for any reason, the applicant will need to get a new BASIX certificate at that stage.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Varying heights from 4.6m to a maximum height of 11.0m (up to	11m	29.4%	No

MOD2018/0066

Page 9 of 21



		29.4% variation)			
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Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.3 Height of buildings

Description of Non-compliance:

The proposed pergola roof above the upper level deck at the northern end of the building will be up to 11m high. This is lower than the previously approved northern end of the roof, but due to the slope of the land and extension of the pergola to the north, will maintain the 11m non-compliance originally approved.

The applicant has not lodged a Clause 4.6 statement with the application.

Merit Assessment:

In 'Gann v Sutherland Shire Council [2008] NSWLEC 157', the Court was prepared to distinguish an earlier line of authority, and hold that, since Section 96 was a "free-standing" provision, it could be utilised to modify a consent even where (in that case) no SEPP 1 or Clause 4.6 Objection could be lodged.

By application of that case in the context of this application, the Council can consider (and approve) a modification that still results in a breach of the height control, without reference to SEPP 1 or Clause 4.6, relying instead on the "free-standing" power of Section 96.

In this regard, the matters for consideration under SEPP 1 or Clause 4.6 provide a reasonable and consistent means of assessing any Section 96 that is beyond the provisions of the planning controls.

Whilst this modification application will result in a height that exceeds the maximum permitted by Clause 4.3 of WLEP 2011, the application does not strictly need to address the requirements of Clause 4.6. This application has been made under section 96 of the EP&A Act, which is a free-standing provision which in itself authorises the development to be approved notwithstanding any breach of development standards. Section 96 is subject to its own stand-alone tests (such as the substantially the same test and consideration of all relevant s.79C matters) and does not rely upon having a Clause 4.6 variation objection in order to determine the modification.

Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 96 modification applications. Notwithstanding that Clause 4.6 does not apply to modification applications, the merits of the departure have been assessed and found that the development satisfies the underlying objectives of Clause 4.3 Height of Buildings under WLEP 2011 and the variation can be supported on its merit. See merit



assessment against the zone objectives and Clause 4.3 objectives below:

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 modifications are modifications to the design of the dwelling, which will continue to be a single detached dwelling, providing for the housing needs of the community within a low density residential environment.

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:

The proposed modifications will not prevent other land uses, facilities or services from being provided in the area.

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:

The proposed modifications do not alter the landscaped area on site, and the design changes will not cause the landscaped setting of the site to be altered significantly.

It is considered that the development satisfies this objective.

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed modifications involve a pergola extension to the lower (northern) end of the roof form. This pergola will actually be lower overall than the previously approved roof form, but due to extending further to the north, and the slope of the land which falls from south to north, will still be 11m above ground level. This is the same height as was originally approved at the lower end of the roof, with the non-compliance relocated slightly to the north.

This will not cause the overall development to become incompatible with the height and scale of the surrounding development, particularly given the height and scale of development along the southern side of this part of Undercliff Road, and the fact that the roof form will continue up the hill behind the



pergola, to a far higher level overall.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

No submissions were received in relation to the application, and no unreasonable view loss was identified that might be caused by the addition of the pergola at the northern end of the roof form. The pergola will generally maintain the upturned lip type design of the originally approved roof form, extended to the north, and will not have any unreasonable visual impacts compared to the original approval. It will not have any significant impacts on privacy or solar access to neighbours.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment:

The proposed pergola is a relatively minor modification to the approved design, and will not have any adverse impact on the scenic quality of Warringah's coastal and bush environment.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment:

The proposed pergola will generally maintain the design of the roof form, with the upturned lip maintained at the northern end, and extended to the north. It will not have any significant or unreasonable impacts on the public places to the north of the site, or the beach or surrounding area.

Given the consistency of the variation to the objectives of the zone, and the objectives of Clause 4.3 of the WLEP, the proposed variation to the Height of buildings Development Standard is considered acceptable in the circumstances.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	8.6m	Unaltered	Yes - no change to existing approval
B3 Side Boundary Envelope	E 5m	Substantial portion of Level 3 external wall and roof projects outside of building envelope	New pergola roof up to 5.41m outside envelope	No
	W 5m	Substantial portion of Level 3 external wall and roof projects outside of building envelope	New pergola roof up to 2.8m outside envelope	No
B5 Side Boundary Setbacks	E 0.9m	0.2m to 1.557m	New pergola roof 0.6m	No

MOD2018/0066

Page 12 of 21



	W 0.9m	nil to 1.128m	New pergola roof 2.6m	Yes - no change to existing approval
B7 Front Boundary Setbacks	6.5m	Basement: nil to 0.908m Level 1: nil to 0.908m Level 2: 0.5m to 1.6m Level 3: 2.2m to 5.3m	New pergola roof 2.65m - 3.5m	No
B9 Rear Boundary Setbacks	6m	10.081m	Unaltered	Yes
D1 Landscaped Open Space and Bushland Setting	40%	30% (140m ²)	Unaltered	Yes - no change to existing approval

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes

MOD2018/0066

Page 13 of 21



Clause	Compliance with Requirements	Consistency Aims/Objectives
D16 Swimming Pools and Spa Pools	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B3 Side Boundary Envelope

Description of non-compliance

The proposed new pergola roof extending to the front of the approved roof will breach the envelope by up to 5.41m on the east side and 2.8m on the west side.

Merit consideration

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

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

Comment:

The proposed pergola will simply continue the existing approved roof form, and, being an open structure, will not significantly add to the bulk and scale of the building. The original approval allowed for significant breaches of the envelope on both sides of the building, and the proposed pergola does not unreasonably exacerbate this issue. The pergola will be located at the lower end of the sloping roof form, and given the typical size and scale of the buildings on the southern side of Undercliff Road, it will not cause the building to visually dominate the area.

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

Comment:

The proposed pergola will not create any unreasonable overshadowing or privacy concerns. The proposed modification includes a new privacy screen attached to the eastern side of the upper level (also outside the side boundary envelope) which will increase privacy.

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

Comment:

The proposed pergola will simply extend the roof form, which slopes down from rear to front in one long sweep. It will maintain the existing turned up lip type design of the lower end of the roof, at a slightly lower level and slightly further to the north. The modifications will not cause the

MOD2018/0066

Page 14 of 21



development to become unresponsive to the topography.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B5 Side Boundary Setbacks

Description of non-compliance

The proposed modifications generally maintain the existing approved setbacks. The new pergola roof on the upper level will be 600mm from the eastern side boundary.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment:

The proposed modifications do not alter the existing approved landscaped area on site.

- *To ensure that development does not become visually dominant.*

Comment:

The new pergola extension to the roof simply maintains the setback of the roof as previously approved, albeit extending slightly further to the north. The proposed modification is relatively minor in visual impact, and will not suddenly cause the development to visually dominate the area.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposed pergola is a relatively minor extension to the roof form, and will maintain the setbacks as originally approved. The pergola is an open structure, and will not unreasonably add to the bulk and scale of the building as approved. It is considered acceptable in this regard.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

The proposed pergola will maintain the setback of the roof to the eastern boundary as approved. It will not add any significant extra impacts to privacy, amenity or solar access for neighbours.

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



Comment:

No submissions were received, and no unreasonable view loss has been identified as a result of the proposed modifications.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed modifications will generally maintain the existing front setbacks as previously approved. The proposed pergola extension to the roof will match the setback of the upper level deck, and will bring the roof form to between 2.65m and 3.5m from the front boundary.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The proposed pergola is an open structure, and will not significantly impact on the sense of openness currently available in the area. The pergola is a relatively minor extension to the roof form as approved, and will maintain essentially same design, extended to the north.

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

Comment:

The proposal will maintain the setbacks as previously approved, and the pergola will match the setback of the upper level front deck. In so doing it will generally maintain the visual continuity and pattern of building.

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

Comment:

The extension of the roof will have no unreasonable impacts on the visual quality of the streetscape. It will generally maintain the same up-turned design at the bottom of the roof form, extended slightly further towards the front boundary, to match the setback of the deck.

- *To achieve reasonable view sharing.*

Comment:

No submissions were received, and no unreasonable view loss has been identified.

MOD2018/0066

Page 16 of 21



Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

MOD2018/0066

Page 17 of 21



THAT Council as the consent authority grant approval to Modification Application No. Mod2018/0066 for Modification of Development Consent DA2013/1098 granted for Alterations and additions to a dwelling house and Construction of a swimming pool on land at Lot 1 DP 315088,63 Undercliff Road, FRESHWATER, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A-2000 Issue D	05.02.2017	Walter Barda Design
A-2001 Issue D	05.02.2017	Walter Barda Design
A-2002 Issue D	05.02.2017	Walter Barda Design
A-3012 Issue D	05.02.2017	Walter Barda Design

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

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

FLOOR FINISHES SCHEDULE	
CODE	DESCRIPTION
FF-01	Internal Timber Flooring - Boards 220mm x 20mm thick Engineered Oak Boards by "Tongue n Groove" colour: Blatter (confirm with sample prior to installation) - install as per supplier Specification
FF-02	Internal Timber Flooring - Boards 220mm x 20mm thick Engineered Oak Boards by "Tongue n Groove" colour: Blatter (confirm with sample prior to installation) - install as per supplier Specification
FF-03	Stone Floor Tile - Nova Travertine, Unfilled & Honed 610mm x 460mm, 12mm thick, from Saren Stone
FF-04	Epoxy sealed Concrete garage floor
FF-05	Stone Floor Tile - Gohiera Limestone 600mm x 300mm, straight calibrated edge, 14mm thick, from Saren Stone

INTERNAL FINISHES SCHEDULE	
CODE	DESCRIPTION
INT-01	Plasterboard, joint finish, Dulux Wash&Wear Matt; NB: aquaduck plasterboard in wet areas.
INT-02	Stone Wall - Gohari Limestone $600 \text{ mm} \times 300 \text{ mm}$, straight calibrated edge, laid horizontally 10 mm thick, from Saren Stone, TBC
INT-03	Infrim FJ Primed $140 \times 140 \text{ mm}$ SK6800 (shadowline profile) Sticking - painted to match wall
INT-04	Timber columns, window/door casings and feature panels painted to match walls U.N.O
INT-05	Ceasing/rope 4380 W&W Race 20mm benidotto

the following information is provided for the purpose of making the information more useful to the reader. The information is provided for the purpose of making the information more useful to the reader. The information is provided for the purpose of making the information more useful to the reader.

Project Number	2016_08	65 UNDERCLIFF RD. FRESHWATER	Print Date & Time	26-Feb-2016 13:45 AM			
Project Status	DESIGN		Drawn By	MM	Checked By	WB	Approved By
			File Path: c:\projects\65 Undercliff Rd. 2016\Project\65 Undercliff Rd.dwg Scale: As Indicated				
Sheet	VOID & ROOF PLAN		Drawing Number	A-2002		Issue	
						D	

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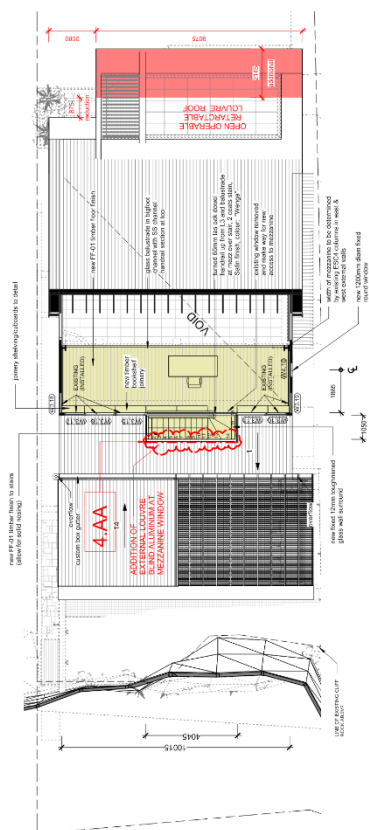
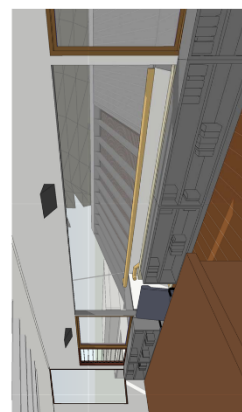
KAPP

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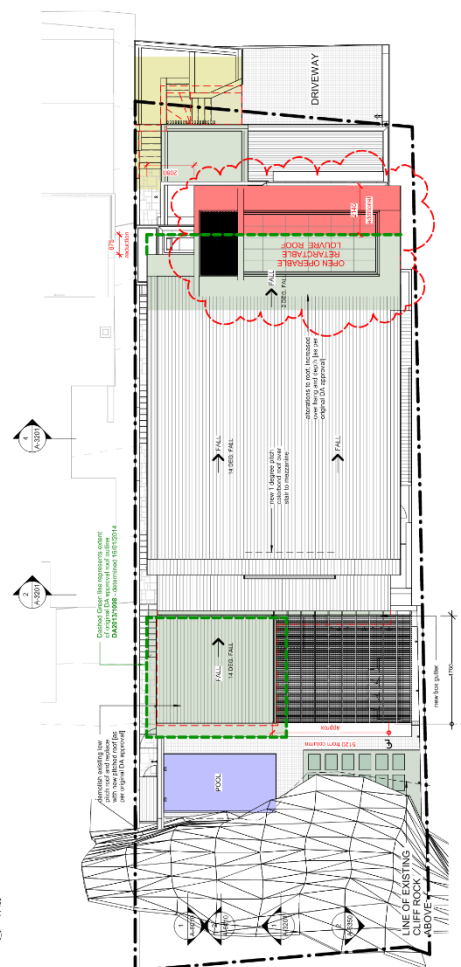
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Revisions		
No.	Description	Date
3	Issue to Mark	21.12.2016
4	Documentation Issued to Elgar	07.04.2017
5	Upload Specs	11.05.2017
6	CONTRACT ISSUE SET	16.05.2017
A	SECTION 96	06.04.18
B	SECTION 96	17.05.16
C	SECTION 96-2017	18.04.2017
D	SECTION 96-2018	05.02.2017

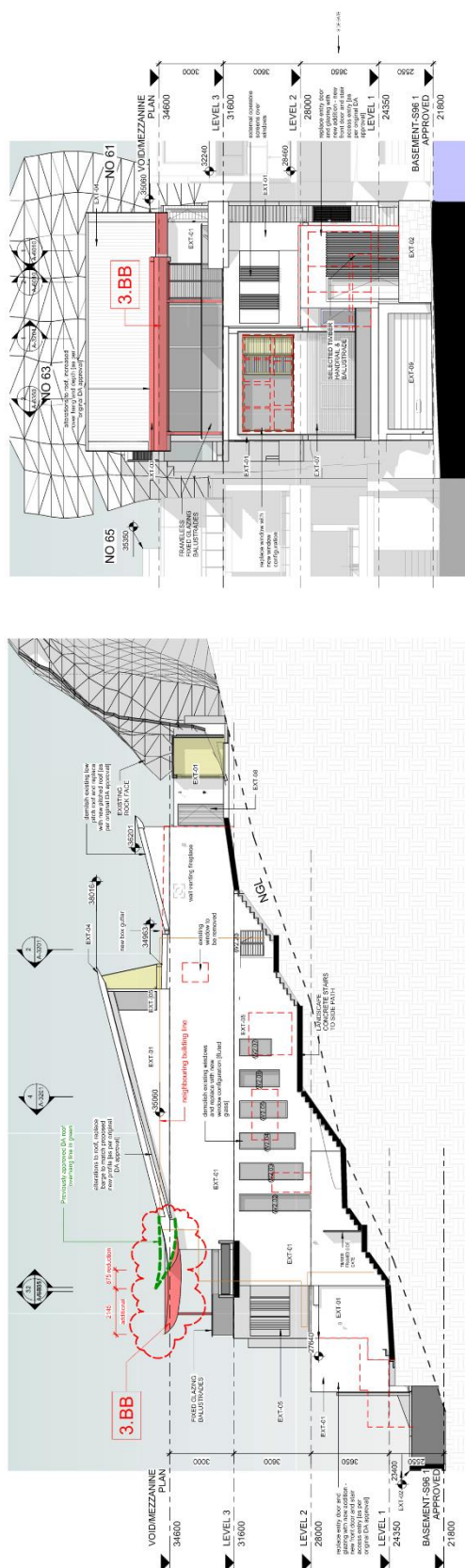
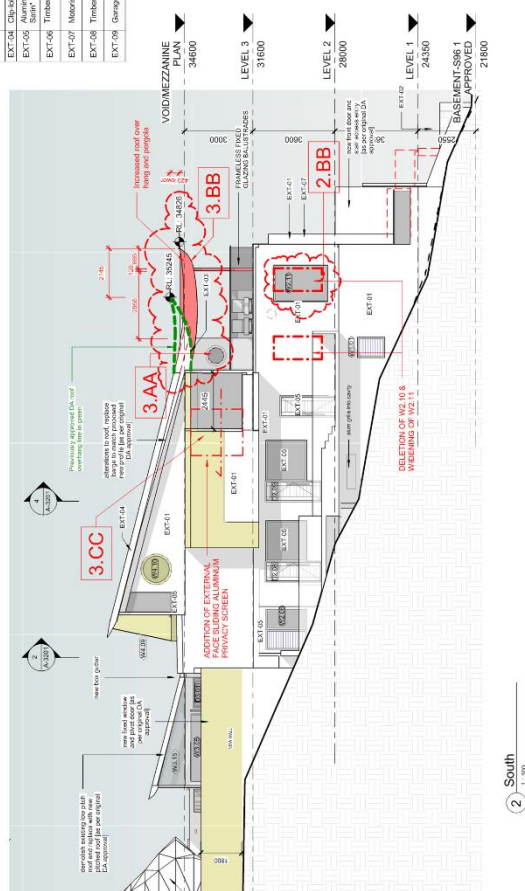


1 VOID/MEZZANINE PLAN
1" = 100'



2 ROOF PLAN

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Revisions		
No.	Description	Date
1	Issue to Start McDonald	24.10.2018
2	Issue to Mark	21.12.2018
3	CONTRACT ISSUE SET	16.02.2017
A	SECTION 96	05.04.16
B	SECTION 96	17.05.16
C	SECTION 96- 2017	18.04.2017
D	SECTION 96- 2018	09.02.2017

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