

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2015/0828
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<b>Responsible Officer:</b>	Renee Ezzy
<b>Land to be developed (Address):</b>	Lot 1 DP 653825, 6 Monash Parade DEE WHY NSW 2099
<b>Proposed Development:</b>	Construction of a dwelling house
<b>Zoning:</b>	LEP - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Warringah Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Carol Ann Taggart James Donald Taggart
<b>Applicant:</b>	Carol Ann Taggart C/- G Zerk

<b>Application lodged:</b>	01/09/2015
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	15/10/2015 to 30/10/2015
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	1
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 610,000
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### ASSESSMENT INTRODUCTION

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

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

### SUMMARY OF ASSESSMENT ISSUES



"It is considered that the: Building is erected without prior development consent of a consent authority and a prior construction certificate in a case where both prior development consent and a prior construction certificate are required, Specifically

- A pergola structure constructed over the first floor deck, attached to dwelling, western elevation,
- A masonry roofed structure, constructed on the ground floor, southern elevation,
- A roofed pergola constructed on the ground floor, northern elevation,
- The enclosure of the first floor open roofed deck on the eastern elevation, and
- The enclosure of the first floor open roofed deck on the northern elevation."

The items within this notice were current when this report was being prepared and require rectification through the Building Certificate application process and not through the development assessment process.

On 1 September 2015, Development Application DA2015/0828 for major alterations and additions including works to rectify unauthorised modifications to the two storey dwelling was lodged with Council.

On 8 September, the application was formally rejected in accordance with Clause 51 of the Environmental Planning and Assessment Regulation 2000 because of inadequate information relating to a Preliminary Geotechnical Report.

On 23 September 2015, the Applicant submitted a S82B Review of Rejection Development Application which included a Preliminary Geotechnical Report. The information submitted with this application was assessed as as adequate and the application was recommended to proceed with a full assessment and determination of DA2015/0828. This application is the subject of this assessment report. No further relevant history is available for this site.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposed development seeks to undertake alterations and additions to the existing dwelling on the site. The application also seeks retrospective approval for a number of previously constructed areas. The site has been issued with an Order pursuant to s121B of the Environmental Planning and Assessment Act 1979 (EPA Act) for unauthorized works. The following items are listed within the Order:

- Pergola roof structure over the first floor deck attached to the dwelling on the western elevation (to be reconstructed with new decking, balustrade and roof);
- Masonry roof structure on the ground floor southern elevation (this area is proposed to be converted into a store and sauna);
- Roofed pergola construction on the ground floor northern elevation (to be demolished);
- Enclosure of the first floor open roofed deck on the eastern elevation (to be demolished and reconstructed);
- Enclosure of the first floor open roofed deck on the northern elevation (to be demolished).

As the subject application is a new development application and not a modification pursuant to S96 of the EPA Act, the items listed above cannot be included in this assessment for retrospective approval. The works the subject of EPA Order No. EPA2014/0293 must be dealt with through a Building Certificate Application. The only item within the list of works above to be addressed within this development assessment is the 'use' of the masonry structures located on the southern side of the

ground floor proposed to be used as a store and sauna. The structure of these areas will still be assessed within a 'building application'.

The proposed alterations and additions to the dwelling include:

Ground Floor Level

- Demolish the existing garage and construct a new triple car garage.
- Demolish awning on the northern side of the property adjacent to the swimming pool.
- Construct a new entry/lobby on the northern side of the dwelling.
- Extend Bedroom 1, 1.8m to the east (approx.7.8m<sup>2</sup>)
- Reconfigure ground floor layout to accommodate laundry, linen, Shower, Rumpus, Alfresco area, store room and sauna.

First Floor Level

- Demolish existing eastern façade and reconstruct with a glazed façade and new covered verandah (approx.26.5m<sup>2</sup>).
- Demolish northern facade and reconstruct new two storey extension.
- New Study and internal stair access along northern façade.
- Reconfigure internal layout to accommodate Bedroom 2 with ensuite and walk in robe, Bedroom 3 and 4, kitchen and dining room.
- New windows to southern façade adjoining Bedroom 3 and 4
- Demolish existing roof over western deck, construct new roof structure and refurbish deck and balustrade.

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

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;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&amp;A Regulation 2000 requires the submission of a design verification certificate from the</p>



Section 79C 'Matters for Consideration'	Comments
	<p>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&amp;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&amp;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&amp;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&amp;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&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;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>
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

#### EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

#### NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Simon Abi Anthony	8 Monash Parade DEE WHY NSW 2099

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

- View loss from north facing lounge window
- Side setback non-compliance
- Landscape open space non compliance
- Shadow impacts and lack of detail relating to noise, emissions and photovoltaic cells
- Non-compliance with rear building setback indicates overdevelopment

The matters raised within the submissions are addressed as follows:

- **View Loss**  
Comment:  
This issue has been addressed in detail within D7 Views of Warringah Development Control Plan (WDCP). The views affected by the proposed development do not warrant further amendment or refusal of the application. This issue does not hold determining weight.
- **Side Setback non-compliance**  
Comment:  
This issue has been addressed in detail within the assessment under WDCP B5. The subject application does not propose any new building works within the side setback. The proposal seeks consent for the use of an existing unauthorised structure adjoining the house on the southern boundary for the purposes of a store room and sauna. No objection is raised in relation to the proposed use of this space. The unauthorised structure is to be addressed through an application for a Building Certificate. This issue does not hold determining weight.
- **Landscape Open Space non-compliance**  
Comment:  
With the existing hard paved areas on the site, the existing landscaped open space equates to approximately 25.5%. The proposed changes to the location of the garage and the removal of the roof structure on the northern side of the property creates additional areas of landscaped open space resulting in a total of approximately 32.7%. Accordingly, while this number is still short of the minimum

40% required within WDCP, the site has existing development which prevents full compliance with this requirement. The site is considered to adequately meet the objectives of this development requirement and is therefore considered acceptable.

- **Shadow impacts and lack of detail in relation to emissions and photovoltaic cells.**

Comment:

The changes to the roof line maintain the roof angle on the southern side of the dwelling extending the roof to the north with a skillion. This new roof section gradually rises at the same gradient as the existing roof line to a point approximately 591mm higher than the existing ridge line but located 2.6m further to the north. These changes are considered minor and do not result in any additional unacceptable shadow impacts.

There are no elements which raise concern in relation to emissions requiring assessment in this application. The provisions of the Protection of the Environment Operations Act 1997 apply in relation to excessive noise or air emissions. Should concerns be raised in this regard, Council should be contacted as the local authority with specific details of any non-scheduled activity.

The plans submitted with the development application identify the use of photovoltaic cells to be located on the flat roof section on the northern side of the dwelling. Council does not have any concerns on planning grounds in relation to these cells. These matters do not warrant amendment or refusal of the application.

- **Non-compliance with rear setback indicates overdevelopment of the site.**

Comment:

The rear boundary exception does not apply to this site. Reference is made to WDCP under Front Boundary Exceptions in the R2 zone which states:

*"Exceptions*

*On corner allotments or **sites with a double street frontage**, where the minimum front building setback is 6.5 metres to both frontages, **the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage**, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.*

In this regard, the secondary frontage for No. 6 Monash Parade addresses the headland carpark to the east and therefore qualifies for the above mentioned setback exception.

The proposed alterations result in a new setback from this secondary frontage of 4.25m to the new ground floor Bedroom 1 extension and 2.605m to the new first floor verandah extension. The exception above requires consideration of the setbacks of surrounding developments which in this instance is variable. The bulk of the building is setback between 4.25m and 6.205m with the first floor verandah encroaching into 3.5m setback area. On balance, the proposed alterations and additions are considered reasonable and supported.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
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<b>Internal Referral Body</b>	<b>Comments</b>
Development Engineers	The proposed development does not require on-site stormwater detention and connection of stormwater to the kerb is satisfactory. The proposed driveway crossing is too wide at the boundary but a condition for this has been included.  No objection to approval, subject to conditions as recommended.
Landscape Officer	No objections to the proposed development.
Natural Environment (Biodiversity)	Council's natural environment - biodiversity section raise no objections to the proposal. The site is devoid of native vegetation and has limited scope for establishment of native vegetation within the coastal wildlife corridor.
Parks, reserves, beaches, foreshore	The application was referred to Council's Parks, Reserves, Beaches and Foreshores department who raised no objections to the proposed development.

<b>External Referral Body</b>	<b>Comments</b>
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	The application was referred to the Aboriginal Heritage Office who raised no objections to the proposed development, providing the following comments:  "No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.  Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.  Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted."  A condition of consent has been included to reflect these comments.

#### **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. A227833 dated 28 August 2015). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

**SEPP (Infrastructure) 2007**

Ausgrid

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

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

Comment:

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

**Warringah Local Environment Plan 2011**

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies

Minimum subdivision lot size:	600m <sup>2</sup>	635.7m <sup>2</sup>	N/A	Yes
Height of Buildings:	8.5m	7.4m	Nil	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes

### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.3m	Nil	Yes
B3 Side Boundary Envelope	5m - north	Within envelope	Nil	Yes
	5m - south	Within envelope	Nil	Yes
B5 Side Boundary Setbacks	0.9m - north	1.0m to garage and extension	Nil	Yes
	0.9m - south	1.9m to new work 3.0m to garage	Nil Nil	Yes Yes
B7 Front Boundary Setbacks	6.5m	5.5m	1.0m	No
Secondary Street Frontage Setbacks	3.5m	2.505m to	28.4%	No
		6.205m	Nil	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	32.7%	7.3%	No

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
Side Setbacks - R2	No	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	No	Yes
Front Boundary Exceptions - R2	No	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

### Detailed Assessment

#### **B5 Side Boundary Setbacks**

##### Description of non-compliance

The proposed application does not include any new construction within the side setbacks but does seek consent for the use of an unauthorized part of the existing structure which extends to the southern boundary for a length of approximately 6.5m. This area is proposed to be used as a store room and sauna within the proposed redevelopment.

##### 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 area under consideration has already been constructed within the setback on the southern side of the dwelling. The site provides sufficient areas elsewhere for deep soil landscaping.

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

##### Comment:

The height of this area and its visual impact will be assessed within the building certificate process. However, the structure is currently approximately 2.6m in height, does not contain any windows and is located adjacent to the pool enclosure of the neighbouring property to the south. The use of this space as a sauna and store room is not considered to create any adverse visual impacts.

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

Comment:

This element of the building extends for only a small length of the boundary representing overall approximately 14%. The use of this space will not adversely impact on the scale and bulk of the dwelling.

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

Comment:

As there are no openings on the southern side of this structure within the boundary, the use of this space will not affect the privacy, amenity or solar access of the adjoining property.

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

Comment:

The use of this space for a store room and sauna will not impact on any views from the adjoining property and will not be discernible from the public domain.

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

## **B7 Front Boundary Setbacks**

### Description of non-compliance

The proposed works include construction of a new triple car garage with a setback to Monash Parade of 5.5m.

### 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:

While the proposal is 1.0m short of complying with the required 6.5m setback, this non-compliance will not affect the sense of openness when viewed from Monash Parade.

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

Comment:

The common pattern within this streetscape is 1.8m or higher solid walls/fences on the boundary. The subject site currently has a 1.8m high masonry fence and timber gate. The proposed layout includes space for landscaping on the north and south side of the driveway behind the fence line. The new works are considered to provide visual continuity with the adjoining building patterns and is considered acceptable.

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

Comment:

The proposed works are considered to improve the visual quality of the site within the streetscape.

- *To achieve reasonable view sharing.*

Comment:

The location of the proposed garage structure does not result in any unacceptable impacts on views.

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

## Front Boundary Exceptions - R2

The subject site contains two (2) street frontages, the primary street frontage to Monash Parade and the secondary street frontage to the headland carpark. The rear boundary exception does not apply to this site for this reason.

The control states:

*"Exceptions*

*On corner allotments or **sites with a double street frontage**, where the minimum front building setback is 6.5 metres to both frontages, **the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage**, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.*

The proposed alterations result in a new setback from the secondary frontage of 4.25m to the new ground floor Bedroom 1 extension and 2.605m to the new first floor verandah extension. The exception requires consideration of the setbacks of surrounding developments which in this instance is variable. The bulk of the building is setback between 4.25m and 6.205m with the first floor verandah encroaching into 3.5m setback area. On balance, the proposed alterations and additions are considered reasonable and supported.

### C3 Parking Facilities

#### Description of non-compliance

The proposed development includes a triple garage structure facing Monash Parade measuring 9.715m in width with a double garage door and a single garage door. This equates to approximately 70.8% of the frontage being garages which is inconsistent with the requirements of this control. The applicant has agreed to amend the appearance of the garage structure by removing the single garage door and providing material articulation of the facade using stone facing to match the north facing feature wall. This amendment is detailed in a specific condition of consent.

#### 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 adequate off street carparking.*

#### Comment:

The development as proposed with the abovementioned condition will provide two (2) off street parking spaces within the new double garage. This is considered acceptable for this site.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

#### Comment:

While the proposed garage structure is located facing the Monash Parade frontage, the site provides adequate space within the front setback for landscape planting. A condition of consent has been recommended requiring planting to be provided on both sides of the driveway access.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

#### Comment:

As indicated above, the design as submitted includes a third garage accessed by a single garage door on the northern side of the double garage. A condition of consent has been recommended to delete the third garage and provide material articulation of the facade using matching stone facing consistent with other parts of the dwelling.

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

### D1 Landscaped Open Space and Bushland Setting

#### Description of non-compliance

The proposed alterations and additions result in an increase to the existing landscaped open space on the site from approx. 25.5% to 32.7%.

#### Merit consideration

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

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

#### Comment:

The main street frontage to Monash Parade contains a 1.8m high masonry fence on the boundary. While new landscaping is proposed either side of the new driveway within the site, this will not be visible from the streetscape. At the secondary street frontage, the site provides adequate space to accommodate planting and enhance the streetscape.

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

#### Comment:

The site does not contain any indigenous vegetation, topographical features or habitat for wildlife.

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

#### Comment:

The areas available for landscape planting within the site offer a range of spaces suitable for supporting vegetation commensurate with the scale of the dwelling.

- *To enhance privacy between buildings.*

#### Comment:

The property is adequately separated to ensure visual privacy with the adjoining properties.

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

#### Comment:

The proposed works maintain the site's swimming pool and provides additional areas adjacent to the pool for soft landscaping suitable to meet the potential needs of occupants.

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

#### Comment:

The site contains adequate space for clothes drying and bin storage.

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

Comment:

The proposed works have been assessed by Council's Development Engineer and does not require on-site detention. Specific conditions have been included to address stormwater management on the site.

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

## **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:

While access to the inside of the dwelling was not achieved, from standing outside the window of concern, the views impacted are to the north and would include part of the Long Reef Headland and ocean. It is noted that the property at No. 8 Monash Parade is a single storey dwelling which has an unrealized potential for greater view corridors were they to add a first floor level to the dwelling.

### **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 affected are obtained from the one north facing ground floor window adjoining the living room.

**3. Extent of impact**

*“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.*

Comment to Principle 3:

The views from the north facing side of the facade will not be totally obstructed. Views looking directly north will be affected however the end of Long Reef headland and unobstructed ocean views to the north-east aspect of the window will be maintained. While the view is obtained from a living room, it should be noted that the living room contains four (4) other substantial windows which face east which will retain full unobstructed views of Long Reef headland and ocean. Accordingly, the impact in this instance is considered minor.

**4. Reasonableness of the proposal that is causing the impact**

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

Comment to Principle 4:

The site currently contains a dwelling which is not suited to modern day living in this location. The proposed works seek to create open plan living within the dwelling with a deck adjoining. Due to the siting of the existing dwelling, there is limited alternate opportunities for this site to maximise the aspect and views available. While the proposed deck does not comply with the 3.5m secondary frontage setback requirement, it has been located further to the northern side of the property away from No. 8 Monash Parade.

The proposal is considered a reasonable response to the site constraints and the impact on views from the north facing living room at No. 8 Monash Parade is considered acceptable.

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

Comment:

The proposed alterations and additions will provide an improvement to the architectural

integrity of the subject property and will enhance its contribution to the streetscape.

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

Comment:

There are no trees within the view corridors of either site.

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

### **E10 Landslip Risk**

The site is located within Landslip Risk Class 'B' which is classified as Flanking Slopes of between 5° and 25°. Accordingly, the Applicant has submitted a preliminary Landslip Risk Assessment prepared by Crozier Geotechnical Consultants (Project No. 2015-203 dated 24 September 2015).

The report recommends that a detailed Landslip Risk Assessment is not required for the proposed development and is therefore satisfactory.

### **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 \$ 610,000		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$ 5,795
Section 94A Planning and Administration	0.05%	\$ 305
Total	1%	\$ 6,100

### **CONCLUSION**

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

applicant and the provisions of:

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2015/0828 for Construction of a dwelling house on land at Lot 1 DP 653825, 6 Monash Parade, DEE WHY, 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA1 - 1046c - Site Plan	28.08.2015	Graham Zerk
DA2 - 1046c - Existing Ground Floor Plan	28.08.2015	Graham Zerk
DA3 - 1046c - Proposed Ground Floor Plan	28.08.2015	Graham Zerk
DA4 - 1046c - First Floor Plan	28.08.2015	Graham Zerk
DA5 - 1046c - North, South, East and West Elevation	28.08.2015	Graham Zerk

DA6 - 1046c - Proposed Garage-Floor Plan, Section, West and East Elevation	28.08.2015	Graham Zerk
DA7 - 1046c - Sections	28.08.2015	Graham Zerk
DA8 - 1046c - Existing First Floor Plan	28.08.2015	Graham Zerk
DA9 - 1046c - Landscaped Areas	28.08.2015	Graham Zerk

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

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

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

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

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

<b>Other Department, Authority or Service</b>	<b>eServices Reference</b>	<b>Dated</b>
Aboriginal Heritage Office	Referral Response Aboriginal Heritage	16/10/2015

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

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

## 3. **Prescribed Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

#### 4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or

alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

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

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

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

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

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

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

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

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

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

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished

- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

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

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

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

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

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

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

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

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

**5. Policy Controls**

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 610,000		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$ 5,795
Section 94A Planning and Administration	0.05%	\$ 305
Total	1%	\$ 6,100

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 Warringah's Development Contributions Plan.

**6. Security Bond**

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

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

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

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

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

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

**7. Vehicle Crossings Application Formwork Inspection**

An application for street levels shall be made with Council subject to the payment of fee



applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

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

## 8. Compliance with Standards

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

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

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

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

## 9. 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](http://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)

10. **Single garage door to be deleted**

The single garage door on the garage structure is to be deleted from the plans and the wall area is to be faced in stone to match the northern feature wall. Details demonstrating compliance are to be provided prior to the issue of a construction certificate.

Reason: To ensure compliance with this consent (DACPLCPC1)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Vehicle Crossings**

The provision of one vehicle crossing in Monash Parade 5 metres wide at the kerb to 5.5 metres wide at the boundary in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

12. **Layback Construction**

A layback 5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

13. **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)

14. **Aboriginal Heritage**

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

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

Measures used for erosion and sediment control on building sites are to be adequately

maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

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

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

### 16. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

### 17. Stormwater Disposal

The stormwater drainage works for the alterations and additions are to be connected to the kerb and shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

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

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

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

(c) National Plumbing and Drainage Code.

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

### 18. Stormwater Disposal

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

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

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

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

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

(c) National Plumbing and Drainage Code.

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

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

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

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

Reason: To ensure bushland management. (DACPLF01)

20. **Landscape planting within the Monash Parade setback**

The area located on the southern side of the proposed driveway in front of the rendered brick fence is to be landscaped and the front setback area in front of the garage structure is to be landscaped, except for the proposed driveway.

Required Planting

i) The selected planting is to comprise native species.

Details demonstrating compliance are to be provided prior to the issue of an Occupation Certificate.

Reason: Local amenity (DACPLFPOC1)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Renee Ezzy, Senior Development Planner**

The application is determined under the delegated authority of:


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**Steven Findlay, Development Assessment Manager**

**ATTACHMENT A**

No notification plan recorded.

**ATTACHMENT B**

	<b>Title</b>	<b>Date</b>
 2015/302904	Notification map	15/10/2015

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 DA2015/0828	6 Monash Parade DEE WHY NSW 2099 - Development Application - Alterations and Additions	01/09/2015
 2015/258288	DA Acknowledgement Letter - Carol Ann Taggart C/- G Zerk	01/09/2015
 2015/259266	Development Application Form	02/09/2015
 2015/259269	Applicant Details	02/09/2015
 2015/259273	Builders Quotation	02/09/2015
 2015/259278	Plan - Survey	02/09/2015
 2015/259282	Plans - Notification	02/09/2015
 2015/259284	Report Statement of Environmental Effects	02/09/2015
 2015/259287	Plans - External	02/09/2015
 2015/259292	Plans - Internal	02/09/2015
 2015/259296	Plan - Shadow Diagrams	02/09/2015
 2015/259298	Report BASIX Certificate	02/09/2015
 2015/259303	Report - Warringah Waste Management Plan	02/09/2015
 2015/259332	Plans - Master Set	02/09/2015
 2015/263826	File Cover	07/09/2015
 2015/263833	DA Reject Letter - Carol Ann Taggart C/- G Zerk	07/09/2015
 2015/302822	Referral to AUSGRID - SEPP - Infrastructure 2007	14/10/2015
 2015/302828	Aboriginal Heritage referral	14/10/2015
 2015/302902	Notification letter 39	15/10/2015
 2015/302904	Notification map	15/10/2015
 2015/305163	Referral Response - Aboriginal Heritage Office	15/10/2015
 2015/303869	Delete - Request for Withdrawal of Development Application - Carol Ann Taggart C/- G Zerk	15/10/2015
 2015/317152	Development Engineering Referral Response	26/10/2015
 2015/319077	Natural Environment Referral Response - Biodiversity	28/10/2015
 2015/320549	Submission - Anthony	29/10/2015
 2015/330119	Submission Acknowledgement Letter - Simon Abi Anthony - SA2015/320549	06/11/2015
 2015/339771	Parks, Reserves and Foreshores Referral Response	16/11/2015
 2015/349166	Landscape Referral Response	24/11/2015
 2016/051406	Assessment Report	17/02/2016
 2016/051448	Notice of Determination	17/02/2016
 2016/051468	Full Set Stamped Plans	17/02/2016
 2016/057275	Stamped Plans	23/02/2016
 2016/057325	Objectors Approval Letter - S A Anthony	23/02/2016