

12 November 2009



M W Harris
3 Halloran Avenue
DAVIDSON NSW 2085

Dear Sir / Madam,

RE: Modification Application No: Mod2009/0268 - (DA2008/1206)
Description: Delete Condition 5(a) of DA2008/1206 relating to a fence on the western boundary
Address: 3 Halloran Avenue DAVIDSON NSW 2085

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on **10 November 2009** as follows:

Condition 5 is amended to read –

5. Special Conditions

a) Fencing

Western Side Boundary Fence shall:

- (i) be a maximum height of 1.2 metres when measured from existing ground level from front boundary of the subject site until northern most front building elevation of the existing onsite dwelling;
- (ii) be a maximum height of 1.8 metres when measured from existing ground level from northern most front building elevation of the existing onsite dwelling until the southern rear property boundary of the subject site;
- (iii) No barbed wire or broken glass of the like is permitted. Unless agreement has been reached with adjoining property owners in accordance with the requirements of the Dividing Fences Act 1991, all works are required to be constructed wholly within the confines of the subject site.

Reason: To ensure consistency in fencing design with the requirements of WLEP 2000 and to afford privacy to the subject property.

(b) Retaining Wall

- (i) The retaining wall in the south-eastern corner is to be relocated at least 1 metre from the boundaries and the area between the retaining wall and the existing retained surface is to be planted with vegetation. Details are to be provided with the Construction Certificate.
- (ii) The abovementioned retaining wall is to be at least 1 metre off the trunks of the Jacarandas. Details are to be provided with the Construction Certificate.
- (iii) The maximum height of the abovementioned retaining wall is to be 1.4 metres above the existing ground surface. Details are to be provided with the Construction Certificate.

Reason: To afford privacy to the adjoining properties and to enable retention of the trees and the screening effect on the neighbouring properties.

(c) Bushfire Requirements

- (i) Construction shall comply with AS3959 – 1999 level 3 “Construction of Buildings in bushfire prone areas”.
- (ii) At the commencement of building works and in perpetuity the entire property should be managed as an Inner Protection Area (IPA) as outlined within Planning for Bushfire Protection 2006 and the Service’s document ‘Standards for Asset Protection Zones’.

The inner protection Area should comprise of the following:

- Minimal fine fuel at ground level
 - Vegetation that does not provide a continuous path to building/s for the transfer of fire
 - Shrubs and trees that do not form a continuous canopy and vegetation is planted/cleared into clumps rather than continuous rows
 - Species that retain dead material or deposit excessive quantities of ground fuel are avoided
 - Shrubs and trees are pruned or removed so they do not touch or overhang the building/s
- Vegetation is located far enough away from the building/s so that the plants will not ignite the building/s by direct flame contact or radiant heat transmission.

Reason: Fire protection

This letter should therefore be read in conjunction with Development Consent DA2008/1206 dated 26 Nov 2008.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 96(6) of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court.

Should you require any further information on this matter, please contact **Keith Wright** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our E-Services System at www.warringah.nsw.gov.au.

Yours sincerely

Keith Wright
Development Assessment Officer
Planning and Development Services

