

3.3**6 Orlando Road, Cromer – Construction of a Dwelling House
(House A)****RESIDENTIAL DEVELOPMENT – DEVELOPMENT APPLICATION ASSESSMENT REPORT**

**Development Application
Number:** DA2011/1468

Assessment Officer: Phil Lane

Property Address: Lot 13, DP 28664, No. 6 Orlando Road, Cromer

Proposal Description: Construction of a dwelling house

Recommendation: **APPROVAL**

Clause 20 Variation: Yes – side boundary envelope

Proposal in Detail: The construction of two storey brick veneer dwelling, containing four (4) bedrooms, games, lounge, study, family and dining rooms along with an attached double garage and rear deck.

This dwelling is known as “House A” in the development of the two lot subdivision approved under DA2011/0520.

**Site Description and
Surrounding Development:** The site is an irregularly shaped battle-axe allotment with access from Parkes Road with a land area of 632.5sqm excluding the access handle. The lot currently contains a single storey residence with an attached carport, swimming pool and detached garage that are to be demolished via DA2011/0520 – Subdivision of land.

The site is surrounded by a mix of single and double dwellings which predominately back on the allotment with the exception of No. 8 Orlando Road, which runs parallel to the western side boundary and has an access handle leading to Orlando Road.

History and Background: **DA2011/0520** – Subdivision of land approved 24 June 2011 via deferred commencement. This consent was issued on 5 January 2012. The approved development includes demolition of existing structures on the site and Torrens Title Subdivision of one lot into two.

DA2011/1468 – The current DA for a dwelling house (House A) which is the subject of this report was notified and five (5) submissions were received is to be reported to the ADP as required by the charter.

DA2011/1470 – This application for a dwelling house (House B) on the new lot directly to the north of the subject site has been concurrently assessed and was notified with three (3) submissions were received. The matter is being reported to the ADP despite not being required to be determined by ADP, this being based on the Managers discretion..





Existing dwelling & swimming located on the site



Existing access handle off Parkes Road with garage

Plans Reference

Drawing Number	Title	Revision	Dated	Drawn By
1 of 17	Site Plan	1	2.08.11	Sekisui House
6 of 17	Ground Floor Plan	1	2.08.11	Sekisui House
7 of 17	First Floor Plan	1	2.08.11	Sekisui House
8 of 17	External Elevations	1	2.08.11	Sekisui House
9 of 17	External Elevations	1	2.08.11	Sekisui House
Sht-1	Landscape Plan	A	20/10/11	Landscape Architects International
Sht-2	Landscape Plan	A	20/10/11	Landscape Architects International

Report Section	Applicable – Yes or No
Section 1 – Code Assessment	Yes
Section 2 – Issues Assessment	Yes
Section 3 – Site Inspection	Yes

Notification Required:	Yes	14 DAYS
Submissions Received:	Yes	Number of Submissions: 5
Cost of Works:	\$357430	
Section 94A Applicable:	Yes (Refer to Table below)	TOTAL: \$3574.00



<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$ 357,430.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	3,396
S94A Planning and Administration	0.05%	179
Total	1.0%	\$3,574

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

Warringah Local Environmental Plan 2000

Locality: E1 Dee Why North

Development Definition: Housing

Category of Development: Category 1

Desired Future Character Statement:

“The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Future development will relate to the established pattern and predominant scale of detached style housing in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise its visual impact when viewed from afar.

Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality. The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.”

Is the development consistent with the Locality’s Desired Future Character Statement? Yes

Requirement: *“The Dee Why North locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.”*

Comment: The proposed development will maintain detached style housing in a landscaped setting and will not prevent the locality being interspersed by complementary and compatible development.

Requirement: *“Future development will relate to the established pattern and predominant scale of detached style housing in the locality and the streets will be characterised by landscaped front gardens and buildings which create a sense of address to those streets. The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved and development on prominent hillsides or hill tops must be designed to integrate with the landscape and topography and minimise its visual impact when viewed from afar.”*

Comment: The proposed development will favourably relate to the surrounding detached style housing and will provide new landscaping. However, the site does not have street frontage or contain any significant trees or rock outcrops, and is not located on a hillside or ridgetop.

Requirement: “Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality. The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.”

Comment: The allotment was created under DA2011/0520 (1 into 2 lot subdivision) and was considered suitable in terms of its size and shape to accommodate a reasonable size dwelling-house and would ensure the existing character, being detached housing in a landscaped setting, is maintained. The locality and immediate surroundings are characterised by both regular and battle-axe allotments of approximately 600sqm in area. While the shape of the approved lots are irregular, the plans show that they are capable of accommodating dwellings that maintain the existing style and scale of housing in the locality and the vicinity.

Additionally, the proposal does not affect the existing local retail centre in the locality.

BUILT FORM CONTROLS

Built Form Compliance Table “E1 – Dee Why North Locality”					
Built Form Standard		Required	Proposed	Comment	Compliance
Building Height	Ridge	8.5m	7.9m	Compliant	Yes
	Ceiling	7.2m	6.4m	Compliant	Yes
Housing Density		1 dwelling per 600sqm	N/A	N/A	N/A
Front Setback		6.5m	63.5m	Compliant (site does not have a street frontage, being a battleaxe lot)	Yes
Side Setback (southern)		0.9m	2.671m (garage) 4m (dwelling)	Compliant	Yes
Side Setback (eastern)		0.9m	2.8m	Compliant	Yes
Side Setback (western)		0.9m	2.244m	Compliant	Yes
Side Boundary Envelope (southern)		4m @ 45 degrees	4m @ 45 degrees (within envelope)	Compliant	Yes
Side Boundary Envelope (eastern)		4m @ 45 degrees	4m @ 45 degrees (within envelope)	Compliant	Yes
Side Boundary Envelope (western)		4m @ 45 degrees	4m @ 45 degrees (minor breach)	Minor variation of 200mm at the southwest corner of the dwelling. (Clause 20 Variation – supported)	No
Rear Building Setback		6m	6m	Compliant	Yes
Rear Setback Area		50%	Nil	Compliant	Yes
Landscape Open Space		40%	40.7% (257.2sqm)	Compliant	Yes

As can be seen in the above table, the proposal generally complies with the built-form controls for the E1 Locality, with the exception of the minor variation to the Side Boundary Envelope (western). The Clause 20 variation for the Side Boundary Envelope is addressed under Section 2 "Built Form Controls" of this report.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	Yes	Satisfactory, the proposed roofing will be constructed in tiles which satisfy the requirements of this clause.	Yes
CL39 Local retail centres	No	No comment	N/A
CL40 Housing for Older People and People with Disabilities	No	No comment	N/A
CL41 Brothels	No	No comment	N/A
CL42 Construction Sites	Yes	Standards conditions will be imposed to ensure that reasonable amenity of adjoining and surrounding properties is maintained.	Yes, subject to conditions
CL43 Noise	Yes	Standards conditions will be imposed to ensure that reasonable amenity of adjoining and surrounding properties is maintained.	Yes, subject to condition
CL44 Pollutants	No	No comment	N/A
CL45 Hazardous Uses	No	No comment	N/A
CL46 Radiation Emission Levels	No	No comment	N/A
CL47 Flood Affected Land	No	No comment	N/A
CL48 Potentially Contaminated Land	Yes	This general principle intends to ensure that adequate consideration has been given to the potential contamination of land. This site has historically been used for residential purposes. Based on a site inspection and council's records there is no evidence to suggest that the site is contaminated.	Yes
CL49 Remediation of Contaminated Land	No	No comment	N/A
CL49a Acid Sulphate Soils	No	No comment	N/A
CL50 Safety & Security	Yes	This general principle intends to ensure and maintain the safety and security of the locality. The proposed new dwelling will maintain the safety and security of the site and surrounds.	Yes
CL51 Front Fences and Walls	No	No comment	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	No comment	N/A

General Principles	Applies	Comments	Complies
CL53 Signs	No	No comment	N/A
CL54 Provision and Location of Utility Services	Yes	This general principle intends to ensure the provision of adequate services to the site. The proposed development, being a new dwelling, will utilise existing services from all necessary utilities.	Yes
CL55 Site Consolidation in 'Medium Density Areas'	No	No comment	N/A
CL56 Retaining Unique Environmental Features on Site	Yes	Standard conditions will be imposed to ensure the protection of existing trees on the site and the tree on the adjoining property. Based on the above, it concluded that the proposed development will comply with this clause.	Yes, subject to conditions
CL57 Development on Sloping Land	Yes	It is recognised that there is a change in level on the site, however the building platform itself is relatively level. The excavation proposed minimal affect on the visible shape of the landform with the exception of the 917mm cut at the north-east corner of the dwelling platform. Therefore, the proposal complies with the control. Filling of the site is minimal and limited to that necessary to provide level open space areas. The site is not identified as being subject to landslip under WLEP 2000.	Yes
CL58 Protection of Existing Flora	Yes	Standard conditions will be imposed to ensure the protection of existing trees on the site and adjoining properties.	Yes, subject to conditions
CL59 Koala Habitat Protection	No	No comment	N/A
CL60 Watercourses & Aquatic Habitats	No	No comment	N/A
CL61 Views	Yes	Clause 61 stipulates 'Development is to allow for the reasonable sharing of views'. From the site inspection and the submitted plans, the proposal has demonstrated a reasonable design that will ensure reasonable view sharing to adjoining and nearby properties will be maintained ensuring compliance with this clause. The proposal is also consistent with the Views Planning Principle known as Tenacity Consulting versus Warringah Council.	Yes
CL62 Access to sunlight	Yes	This general principle intends to minimize the impact of overshadowing on surrounding properties. The proposed new dwelling will not create any adverse overshadowing on surrounding properties. It is noted that the building is within the required side boundary building envelope, with the exception of a minor breach (200mm) at the south-west corner of the building. Sunlight access to at least 50% of private open spaces of adjoining properties is maintained for no less than 2 hours between 9am and 3pm on June 21 st . Concerns were raised in relation to solar access to the properties to the south (No. 9 Randall Court) and west (No. 8 Orlando Road) of the new dwelling.	Yes

General Principles	Applies	Comments	Complies
		No. 9 Randall Court The shadows diagrams (Sheet 3 of 17) show the extent of overshadowing of the rear yard of No. 9 Randall Court is for majority of the day during the winter solstice. The provisions in relation to solar access state that for the <i>principal private open space</i> of an adjoining dwelling, solar access is not to be reduced to less than 2 hours between 9am and 3pm on June 21. It is noted that the deck at No. 9 Randall Court is located directly at the rear of the residence and provides the owners a level area for relaxation, dining, entertainment and recreation. The shadows diagrams (Sheet 3 of 17) do not show the location of the dwelling or the deck on No. 9 Randall Court so an approximate location of the dwelling and deck (principal open space) were established from the site inspection and using Council's database. The primary shadowing occurs over the northern upper half of the rear yard and the only time shadowing occurs within the principal open space is for small portion on the upper half at 3pm during the winter solstice. Given the above, the proposed dwelling meets the criteria of this clause and the issue does not warrant refusal or amendment of the application. No. 8 Orlando Road The shadow diagrams show a small amount of affectation of No. 8 Orlando Road in the morning but it does not impact on principal private open space.	
CL63 Landscaped Open Space	Yes	The proposal complies with the requirements of the clause in that: • The proposal provides for enhancement of the landscape amenity of the locality; • Enables a range of native plantings in terms of scale and density, • Includes level areas of lawns to serve the outdoor recreational needs and anticipated requirements of dwelling occupants; • Allows for the inclusion of native indigenous species that could serve as habitat for native fauna; and The proposal satisfactorily addresses this clause.	Yes
CL63A Rear Building Setback	Yes	The proposal complies with the requirements of this clause in that: • It will create a sense of openness in rear yards given it provides the required 6 metre setback and the proposed dwelling on the adjoining site to the south (DA2011/1470 – House B) has the same 6m wide landscaped area which gives a 12m spatial separation between the buildings, • The spatial separation between the proposed dwellings combined with the screen hedge along the common boundary will ensure that amenity and privacy is maintained for each of allotment, • The proposed development will maintain the visual continuity and pattern of buildings within the locality and proposed rear yards and will	Yes

General Principles	Applies	Comments	Complies
		allow for suitable landscaping; and The proposed landscape plan has some 200 trees to be planted. Of these trees, some 126 trees will be of substantial native trees growing up to 2m - 5m in height once fully matured on the current site. The proposal is satisfactory in addressing this clause.	
CL64 Private open space	Yes	This general principle intends to ensure that private open space is clearly set aside and provided for all housing. The proposed development will have sufficient private open space areas and is considered satisfactory in addressing the requirements of the clause.	Yes
CL65 Privacy	Yes	This general principle intends to ensure that proposed development does not unreasonably overlook windows or private open spaces of adjoining properties. The proposed new dwelling and rear deck has the potential to result in overlooking of adjoining windows and/or private open spaces given the proximity of the dwelling to surrounding properties and the elevated position of the site in relation to the properties to the south (Randall Court). The subject allotment is surrounded by no less than nine (9) properties given its an internal allotment. Therefore, a full assessment has been undertaken as follows: An assessment will be undertaken from each adjoining property: Nos. 9 and 11 Randall Court On the <i>southern elevation</i> of the proposed dwelling the proposed bathroom window and ensuite window should be conditioned to be obscure glazing or the use of highlight windows. This will ensure reasonable privacy is maintained for both the occupants of the dwelling and adjoining properties to the south (Nos. 9 & 11 Randall Court). The games room window on the southern elevation of the first floor level will be a highly used room by the occupants of the new dwelling. It is noted that existing palm trees located on the southern boundary may alleviate some of the privacy concerns, particularly to No. 9 Randall Court, but given the elevated nature of the site in comparison to Nos. 9 & 11 Randall Court, it is considered necessary that a condition be included that this window be a highlight window with a minimum sill height of 1500mm. This will maintain reasonable privacy for the adjoining properties to the south while allowing the occupants of the dwelling reasonable light and ventilation. Furthermore, additional planting along the southern boundary up to the front of the dwelling will be required to ensure privacy is maintained for No. 9 Randall Court and additional planting along the western boundary between the proposed planting shown on Sheet – 1 (Landscape Plan) and the planting on the common boundary between House A	Yes, subject to conditions

General Principles	Applies	Comments	Complies
		and House B will ensure reasonable amenity is maintained for the adjoining property to the west (No. 8 Orlando Road). No. 8 Orlando Road On the first floor level (western elevation), the proposed windows for the principal suite should be either obscure glazing to 1.65m or the window design changed to a highlight window. A condition has been imposed in this regard. The proposed deck located at the rear of the dwelling and wrapping around the building to the garage should be reduced in size to address overlooking issues. In this regard, the deck should be reduced in size and be no closer than 2 metres to the western boundary, by deleting the area of deck south of the edge of the family room sliding doors. The deck should not extend further than 4 metres from the building at any point. A suitable condition has been imposed. This reduction in the size and extent of the deck will in turn reduce the overall height of the deck given the slope of the land at the south-west corner of the building combined with the increased setbacks from the western boundary. The proposed screen planting along the western and southern boundaries will ensure reasonable privacy to adjoining properties. Additionally, a privacy screen shall be erected on the full southern edge of the deck and along the western edge for a distance of no less than 3 metres. No. 6 Orlando Road (dwelling subject of DA2011/1470) On the northern elevation of the dwelling, given the proposed planting along the northern boundary (up to 3 metres in height) and the spatial separation between the buildings (12 metres between House A and House B) and the use of the rooms as low occupancy bedrooms, no conditions or treatment is considered necessary. Nos. 46 and 48 Parkes Road On the first floor level (eastern elevation), Bedroom No. 4 has two (2) windows. However, given the proposed planting and excavation of the building in the north-east corner (917mm), it is envisaged that the planting and the low occupancy use of the room will not create any unreasonable overlooking issues for the adjoining properties to the east at Nos. 46 & 48 Parkes Road. Additionally, the small balcony is only 3sqm in area and given its small size is unlikely to be utilised for entertainment purposes and hence no concerns are raised. The three (3) east facing windows for the first floor level games room are located an adequate distance from the boundaries and will primarily look onto the driveway proposed as part of this application, hence no concerns are raised. Furthermore, the adequate spatial horizontal and vertical separation from the property to the east (No. 48 Parkes Road), who raised an objection in relation to privacy, will be afforded reasonable privacy given the physical separation.	

General Principles	Applies	Comments	Complies
		Therefore, the proposal development is reasonable and satisfactorily addresses the requirements of this clause, subject to the recommendations conditions above.	
CL66 Building bulk	Yes	The visual bulk and scale of the proposal is considered to be consistent with surrounding residential development and will not visually dominate the surrounding spaces. An assessment against Clause 66 is as follows: <i>Side and rear setbacks are to be progressively increased as wall height increases,</i> Comment: Given that the proposal has greater setbacks to all boundaries than the minimum and in particular the southern side, eastern and western side setbacks, the proposed building maintains a sense of openness. <i>Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief,</i> Comment: The proposal is compatible with the size and scale of surrounding residential dwellings and therefore allows the development to integrate with the surrounding residential character and the landscape. Whilst there is minimal vertical stepping of walls, relief is provided in other ways, including the garage element, widows, balcony, deck and pergola. Generally, the proposed dwelling is consistent with other similar residential buildings in the locality and is considered satisfactory. <i>Appropriate landscape plantings are to be provided to reduce the visual bulk of new building and works.</i> Comment: Landscaping on the site will be improved with significant numbers of native plantings. A number of significant plantings (122 in total) are proposed on the site consisting of Sunrise Lilly Pilly's, which are capable of growing up to 3 – 5m in mature height and 3.5 – 6m mature spread. In addition to the Lilly Pilly's there are four (43) NSW Christmas Bush to be planted capable of growing up 2 – 4m in mature height and 1 – 3m in mature spread. Additionally there will be 39 Red Spider Flowers which are capable of growing up to 1.5 – 3m and 0.9 – 1.2m mature spread. This planting plus the additional planting to be conditioned will be adequate to soften and screen the visual bulk of the proposed dwelling to the surrounding properties. It is recommended that additional planting be provided within the southern and western setbacks to ensure the visual bulk is adequately softened and privacy is protected. A suitable condition has been imposed. Given the above, the proposal will satisfy the requirements of this clause.	Yes, subject to condition
CL67 Roofs	Yes	This general principle intends to ensure roofs complement the local skyline. The proposed pitched tiled roof of the new dwelling will be compatible with similar style roofs in the locality and will complement the local skyline.	Yes

General Principles	Applies	Comments	Complies
CL68 Conservation of Energy and Water	Yes	The BASIX Certificate issued with the proposed development will ensure good thermal insulation and energy savings ensuring compliance with this clause.	Yes
CL69 Accessibility – Public and Semi-Public Buildings	No	No comment	N/A
CL70 Site facilities	Yes	The site has adequate area to allow for clothes drying facilities, garbage and recycling bin enclosures and a mailbox can be located adjacent to the access handle leading to Parkes Road. Given the above, the proposal will satisfy the requirements of this clause.	Yes
CL71 Parking facilities (visual impact)	Yes	Given the location of the garage over 60 metres from Parkes Road, the double garage will have no impact on the existing streetscape. The garage is integrated into building design and views up the access handle and to the street will be maintained from the front windows. Given the above, the proposed development is consistent with this clause.	Yes
CL72 Traffic access & safety	No	No comment	N/A
CL73 On-site Loading and Unloading	No	No comment	N/A
CL74 Provision of Carparking	Yes	The proposed garage will accommodate two (2) vehicles in compliance with this clause and Schedule 17 - Carparking Provision.	Yes
CL75 Design of Carparking Areas	Yes	The design of the proposed garage is of adequate dimensions to accommodate two (2) vehicles in compliance with this clause.	Yes
CL76 Management of Stormwater	Yes	An easement recently created through No. 11 Randall Court allows for stormwater to be directed to Council's drainage infrastructure. Concerns were raised in relation to stormwater from the owner of No. 7 Randall Court. As both the subject dwelling and the proposed dwelling proposed under DA2011/1470 (House B) will be connected to either a stormwater easement or Council pipeline, suitable measures have been taken to satisfy this clause and thus improve the current situation (which is on-site dispersal system) in an approved stormwater system. Given the above, the proposal will satisfy the requirements of this clause.	Yes, subject to conditions
CL77 Landfill	No	No comment	N/A
CL78 Erosion & Sedimentation	Yes	Standard conditions will be imposed to ensure that adjoining properties, the road reserve, Councils drainage infrastructure and downstream waterways are protected from silt and sedimentation ensuring compliance with this clause.	Yes, subject to conditions
CL79 Heritage Control	No	No comment	N/A

General Principles	Applies	Comments	Complies
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	No comment	N/A
CL82 Development in the Vicinity of Heritage Items	Yes	The application was referred to Council's Heritage Officer and the following comments were provided: <i>"The subject site is not a listed item of heritage significance, however is located within the vicinity of 'The Roche Building' located at 100 South Creek Road, Dee Why. The Roche Building is listed as an item of local heritage significance under the provisions of Warringah Local Environmental Plan 2000.</i> <i>The subject site is located in excess of 30m from the site boundary of the heritage item and over 100m from any building located on the heritage site. The proposed works are to be substantially screened by existing development in the area as well as established landscaping. It is considered that the proposal due to its nature and location is visually and physically separated from the heritage item and as such will have no impact upon the heritage significance of the site.</i> <i>No objection is raised to the application on heritage grounds and no conditions are required."</i> Based on the above the proposal satisfies this clause.	Yes
CL83 Development of Known or Potential Archaeological Sites	No	No comment	N/A

SCHEDULES

Schedule	Applicable	Compliant
Schedule 5 State policies	No	N/A
Schedule 6 Preservation of bushland	No	N/A
Schedule 7 Matters for consideration in a subdivision of land	No	N/A
Schedule 8 Site analysis	Yes	Yes
Schedule 9 Notification requirements for remediation work	No	N/A
Schedule 10 Traffic generating development	No	N/A
Schedule 11 Koala feed tree species and plans of management	No	N/A
Schedule 12 Requirements for complying development	No	N/A
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach	No	N/A
Schedule 14 Guiding principles for development near Middle Harbour	No	N/A
Schedule 15 Statement of environmental effects	No	N/A
Schedule 17 Carparking provision	Yes	Yes



OTHER RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS:

STATE ENVIRONMENTAL PLANNING POLICIES, REGIONAL ENVIRONMENTAL PLANS			
POLICY	ASSESSMENT	YES /NO /N/A	COMPLIES
SEPP - BASIX	BASIX Certificate supplied?	Yes	Yes
SEPP – 55	Based on the previous land uses if the site likely to be contaminated? Is the site suitable for the proposed land use?	No Yes	Yes
SEPP INFRASTRUCTURE	Is the proposal for a swimming pool, or Within 30m of an overhead line support structure? Within 5m of an overhead power line?	Yes	Yes
SREP-Sydney Regional Environmental Plan – Sydney Harbour Catchment (If applicable)		No	N/A

EPA REGULATION CONSIDERATIONS:

Regulation Clause	Applicable	Conditioned
Clause 54 & 109 (Stop the Clock)	No	N/A
Clause 92 (Demolition of Structures)	No	N/A
Clause 92 (Government Coastal Policy)	No	N/A
Clause 93 & 94 (Fire Safety)	No	N/A
Clause 94 (Upgrade of Building for Disability Access)	No	N/A
Clause 98 (BCA)	Yes	Yes

REFERRALS

Referral Body Internal	Comments	Consent Recommended
Development Engineers	No objections subject to conditions	Yes, subject to conditions
Landscape	No objections subject to conditions	Yes, subject to conditions
Heritage	No objections	Yes
Natural Environment Unit	No objections	Yes



Referral Body External	Comments	Consent Recommended
Ausgrid	No objections subject to conditions	Yes, subject to conditions
Aboriginal Heritage Office	No objections	Yes

APPLICABLE LEGISLATION/ EPI'S /POLICIES:	
EPA Act 1979	Yes
EPA Regulations 2000	Yes
Disability Discrimination Act 1992	N/A
Local Government Act 1993	N/A
Roads Act 1993	N/A
Rural Fires Act 1997	N/A
RFI Act 1948	N/A
Water Management Act 2000	N/A
Water Act 1912	N/A
Swimming Pools Act 1992	N/A
SEPP No. 55 – Remediation of Land	Yes
SEPP No. 64 – Advertising and Signage	N/A
SEPP No. 71 – Coastal Protection	N/A
SEPP BASIX	Yes
SEPP Infrastructure	Yes
WLEP 2000	Yes
WDCP	N/A
WLEP 2011	Yes
S94 Development Contributions Plan	N/A
S94A Development Contributions Plan	Yes
NSW Coastal Policy (cl 92 EPA Regulation)	N/A

Section 79C “Matters for Consideration”	
Section 79C (1) (a) (i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	Yes
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	Yes

Section 79C "Matters for Consideration"	
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	Yes
Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	Yes
Section 79C (1) (a) (iv) - Have you considered all relevant provisions of any Regulations?	Yes
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	Yes
Section 79C (1) (c) – Is the site suitable for the development?	Yes
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	Yes
Section 79C (1) (e) – Is the proposal in the public interest?	Yes

Warringah Local Environmental Plan 2011 (WLEP 2011)

Warringah LEP 2011 was gazetted on the 9 December 2001 and is therefore a mandatory matter for consideration under Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act, 1979.

"Dwelling House" - a building containing only one dwelling,

Land Use Zone: R2 Low Density Residential.

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: N/A

Principal Development Standards:

Development Standard	Required	Proposed	Compliant	Clause 4.6 Exception to Development Standard
Building Height:	8.5m	7.9m	Yes	Required (See below)

The development application was lodged with Council on 9 November 2011. This was after the exhibition of the DWLEP 2009 and prior to the making of WLEP 2011 on 9 December 2011. As the development application was lodged prior to the operation of LEP 2011, Clause 1.8A (the transitional provision) is applicable and provides as follows:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

As indicated above, the proposed development is a permissible land use within the R2 Low Density Residential zone and has been found to be consistent with aims and objectives of the WLEP 2011.

SECTION 2 – ISSUES

PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000 and the applicable Development Control Plan.

As a result of the public exhibition of the application Council received 5 submissions from the following.

Name	Address
Noreen White	No. 48 Parkes Road, Collaroy Plateau
Ron Tattersall	No. 30 Jamieson Parade, Collaroy (owner of No. 7 Randall Court, Collaroy Plateau)
Colin James Gold	No. 9 Randall Court, Collaroy Plateau
Andrew Pittas	No. 11 Randall Court, Collaroy Plateau
Karen & Justin McSorely	No. 8 Orlando Road, Cromer

i. Loss of Privacy

Response: This issue is discussed in detail under the General Principles within report Clause 65 Privacy. In summary, subject to conditions adequate privacy will be provided.

Given the above the issue does not warrant refusal or amendment of the application.

ii. Stormwater and drainage

Response: This issue is discussed in detail under the General Principles within report Clause 76 Management of Stormwater. In summary, adequate stormwater will be provided.

Given the above the issue does not warrant refusal or amendment of the application.

iii. Natural ground level and use of height poles

Response: A site inspection was undertaken with the use of a height pole and the corners of the proposed dwellings (both DA2011/1468 & DA2011/1470) were approximated in relation to plans. The height pole was positioned for the three of the four corners of the dwelling known as House A (DA2011/1468) proposed Lot 1. Issues in relation to the elevated building footprint have been considered. The proposed design of the dwelling has considered the built form controls in particularly the side boundary envelope. The garage is located 2.671m from the southern boundary with the main dwelling been located 4m from the southern boundary and this displayed by Elevation A (8 of 17) demonstrating fully compliance with the envelope control.

The height poles positioned at the southeast and southwest corners taken from No.9 Randall Court from the deck (principal private open space) at the rear of the dwelling at No. 9 Randall Court. The top of the pole indicates the eave level of the proposed dwelling and is considered generally consistent with the surrounding dwelling within the vicinity.



Southeast of the new dwelling



Southwest corner of the new dwelling

The swimming pool was approved in 1973 via B1432/73; issues were raised in relation to the elevated levels of the proposed building platform of this area. It is noted that the site is elevated in relation to the surrounding properties but given the time since the approval of the swimming pool and the current application it is difficult to establish natural ground level. The definition of natural ground level is as follows:

In relation to a site, means the level of the site as if the land comprising the site were undeveloped. (WLEP 2000)

Ground level (existing): means the existing level of a site at any point. (WLEP 2011)

Therefore, given the above it is deemed that the existing ground levels are to be assessed at the current levels and the use of the height poles has established the height of the proposed building in relation to the surroundings properties.

Given the above it is deemed that the proposed dwelling meets the criteria set under WLEP 2000 and the issues do not warrant refusal, but it has been established that specific conditions will be included to ensure the amenity (privacy) of the surrounding properties is to be maintained and this will be included with the draft conditions for review.

iii. Access to sunlight

Response: This issue is discussed in detail under the General Principles within report Clause 62 Access to sunlight. In summary, the proposal complies and is satisfactory.

Given the above the issue does not warrant refusal or amendment of the application.

iv. Devaluation of property prices

Response: This is not a matter for consideration under Section 79C of Environmental Planning and Assessment Act 1979.

Given the above the issue does not warrant refusal or amendment of the application.

v. Excessive Building Bulk and Height (overall)

Response: The building height overall is compliant with the overall height limit of 8.5m for the locality, being 8.2m in height. The proposed dwelling has a visual bulk and scale which is considered to be consistent with surrounding residential development and will not dominate the adjoining properties by virtue of the height and given the levels of articulation provided.

Given the above, the proposed dwelling meets the requirements of WLEP 2000 and the issues do not warrant refusal or amendment of the proposal but it has been established that specific conditions are required to ensure the amenity of the surrounding residential properties is maintained, as included within the draft conditions.

vi. Loss of trees

Response: Concerns were raised in relation to inconsistencies between the submitted development application form stating that there was no tree removal and the statement of environmental effects lodged with the application stating that there would be the removal of trees. The submitted plans clearly identify that trees are located within the proposed footprint of the dwelling. Additionally, on the proposed landscaping plan it is identified that the trees are to be removed as part of the application. A referral was sent to Councils Landscape Officer who assessed the trees and raised no issues subject to conditions.

The large fig tree located in the rear of No. 4 Orlando Road was inspected on site by Council Tree Officer and recommendations and conditions will be included to ensure the protection of this tree during the construction of the proposed development.

Given the above the issue does not warrant refusal or amendment of the application.

vii. Allotment configuration and proposed dwelling(s)

Response: Concerns were raised in relation to the proposed allotment configuration and the location of the proposed dwelling lodged via DA2011/1468 and DA2011/1470. It is noted the previous approval granted by DA2011/0522 for the Subdivision of Land established the configuration of the subject site/lot on the basis that the lot is consistent with the surrounding subdivision pattern. In this regard, that subdivision determined that with DA2011/1468 having access to Parkes Road and DA2011/1470 having access to Orlando Road. It is noted both dwellings are compliant with relevant built form controls including the density requirement of 1 dwelling per 600sqm with DA2011/1468 (subject DA – House A) having a density of 1 dwelling per 632.5sqm and DA2011/1470 (House B) having a density of 1 dwelling per 637.5sqm.

Given the above the issue does not warrant refusal or amendment of the application.

BUILT FORM CONTROLS

As detailed within Section 1 (Code Assessment) the proposed development does not comply with the following Built Form Controls, accordingly, further assessment is provided hereunder.

Side Boundary Envelope

Required: “Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries”.

Side Boundary Envelope	45° & 4m	Non compliant (western elevation)	NO*
------------------------	----------	-----------------------------------	-----

Area of inconsistency with control:

The proposal does not comply with the side boundary envelope control determined by a projecting plane at 45 degrees from a height of 4 metres above natural ground level on the western side boundary. The encroachment is a maximum of 0.2m on the western elevation.

Merit Consideration of Non-compliances

Objective	Comment
<i>Ensure that development does not become visually dominant by virtue of its height and bulk.</i>	When viewed from the surrounding spaces and adjoining properties, the proposed building has varying setbacks to all boundaries ensuring the building bulk is minimised. The proposal is consistent with the visual pattern of the locality and surrounding vicinity and therefore allows the development to integrate with the surrounding development and the landscape. In this regard, when viewed from either the surrounding properties or from afar, the building does not present as a visually dominant structure.
<i>Ensure that development responds to site topography.</i>	The proposed development will be sited at natural ground level or below natural ground level (600mm cut) and is considered to provide a consistent pattern of development and integration with the site topography.
<i>Provide separation between buildings</i>	Given that the proposal has varying setbacks to all boundaries it is deemed that the non-compliance maintains a sense of openness. The proposed building along the western elevation demonstrates varying setbacks to the western boundary, which allows physical separation to the building located at No. 8 Orlando Road. Thus it is considered that the proposal will successfully create an appropriate sense of building separation.
<i>Provide opportunities for landscaping.</i>	The subject site will be provided a numerically compliant provision of landscaped open space ((40% (255sqm)) via condition and the non-compliance with the side boundary envelope does not restrict the provision of soft landscaping for the development.
<i>Create a sense of openness.</i>	The proposal provides adequate separation between buildings creating a sense of openness. The stepped front façade and the orientation of the dwelling to the western side boundary will create varying setbacks ensures a sense of openness is achieved.

Therefore, the variation to the Side Boundary Envelope Built Form Control is supported under Clause 20 of WLEP 2000.



SECTION 3 – SITE INSPECTION ANALYSIS



SITE AREA: 632.5sqm

Detail existing onsite structures:

Single storey dwelling with attached carport, in-ground swimming pool and detached garage

Site Features:

Mixture of native and exotic trees on the site

Site constraints and other considerations

Bushfire Prone?

No

Flood Prone?

No

Affected by Acid Sulphate Soils

No

Located within 40m of any natural watercourse?

No

Site constraints and other considerations

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?	No
Located within 100m of the mean high watermark?	No
Located within an area identified as a Wave Impact Zone?	No
Any items of heritage significance located upon it?	No
Located within the vicinity of any items of heritage significance?	Yes
Located within an area identified as potential land slip?	No
Is the development Integrated?	No
Does the development require concurrence?	No
Is the site owned or is the DA made by the "Crown"?	No
Have you reviewed the DP and s88B instrument?	Yes
Does the proposal impact upon any easements / Rights of Way?	No

SITE INSPECTION / DESKTOP ASSESSMENT UNDERTAKEN BY:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	Yes
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	No
Are there any existing unauthorised works on site?	No
If YES has the application been referred to compliance section for comments?	No

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal involves the construction of a dwelling house with associated rear and side deck and pergola which has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions.

The main issues in the assessment of this application are privacy, solar access, building bulk, stormwater/drainage and landscaping. A more detailed assessment in relation to privacy and solar access has been undertaken as these constitute the main impacts of the proposed development.

In relation to overshadowing, the proposal is compliant with the provisions of Clause 62 "Access to sunlight" under the WLEP 2000. In relation to privacy, the assessment determined that certain special conditions are required to maintain satisfactory levels of privacy for adjoining properties, including amendments to windows, installation of screens and provision of additional screen landscaping. The conditions for window modifications relate to the southern and western elevations on the first floor level of the dwelling where there is the potential for overlooking into the backyards of adjoining properties in Randall Court and Orlando Road. Additionally, the potential



privacy impacts from the proposed elevated rear deck warrants amendment to avoid such potential overlooking, including the deletion of the southern section and retaining a reduced size deck on the western side of the dwelling. The reduced deck on the western side of the dwelling will allow for additional screen planting to be planted along the western side boundary and will reduce the overall height of the deck to produce a more appropriate outcome to protect the amenity of the adjoining property. Subject to the special conditions, the proposal is consistent with the requirements of Clause 65 'Privacy' of WLEP 2000

In conclusion, the proposal satisfies the planning controls and the overall outcome is considered to be reasonable and the impact does not warrant refusal, subject to the recommended special conditions. Other matters have been dealt with by way of conditions or are not concurred with and do not warrant further amendment or refusal of the application.

Therefore, the application is recommended for approval.

RECOMMENDATION (APPROVAL)

That Council as the consent authority grant development consent to Development Application DA2011/1468 for the construction of a dwelling house on land at Lot 13, DP 28664, No. 6 Orlando Road, Cromer, subject to the following conditions.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

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:

Drawing Number	Title	Revision	Dated	Drawn By
1 of 17	Site Plan	1	2.08.11	Sekisui House
6 of 17	Ground Floor Plan	1	2.08.11	Sekisui House
7 of 17	First Floor Plan	1	2.08.11	Sekisui House
8 of 17	External Elevations	1	2.08.11	Sekisui House
9 of 17	External Elevations	1	2.08.11	Sekisui House

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

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

Landscape Plans - Endorsed with Council's stamp				
Drawing Number	Title	Revision	Dated	Drawn By
Sht-1	Landscape Plan	A	20/10/11	Landscape Architects International
Sht-2	Landscape Plan	A	20/10/11	Landscape Architects International

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

2. Compliance with External Department, Authority or Service Requirements

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

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	Response Ausgrid Referral	29 November 2011
Aboriginal Heritage Office	Response Aboriginal Heritage Referral	8 December 2011

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (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) Smoke alarms are to be installed throughout all new and existing portions of any 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) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

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

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

5. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$ 357,430.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	3,396
S94A Planning and Administration	0.05%	179
Total	1.0%	\$3,574

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

6. 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**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

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

7. Reduction in Size of Rear Deck/Pergola

The rear deck and associated pergola is to be reduced in size such that it maintains a minimum setback of 2 metres to the western boundary and the southern section of the deck (adjoining the laundry/powder room and south side of the family room) is to be deleted (stairs can be provided from the garage and laundry in lieu of the deck). The remaining western section of the deck is to commence at the southern edge of the family room sliding doors and extend no further than the northern corner of the building and is to have a maximum width of 4 metres.

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

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)



8. Install Privacy Screens

A 1.65 metre high privacy screen (measured from finished floor level of the rear deck) is to be erected on the edges of the deck as follows:

- a. For the full length of the southern outer edge of the deck,
- b. For a length of 3 metres on the western outer edge of the extending from the required screen in (a) above
- c. The privacy screen shall constructed of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design and external finishes of the dwelling.

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

Reason: In order to maintain privacy for the adjoining properties. (DACPLC06)

9. Modification to Window Designs (Southern and Western Elavation)

The first floor level windows on the southern (Elevation D) and western (Elevation C) elevations associated with the games room, water closet, bathroom, ensuite and principal suite, as shown on the approved plans, are to be modified as follows:

- a. The games room window is to be a highlight window with a minimum sill height of 1.5 metres,
- b. The 2 x WC windows are to be bottom hinged "hopper style" windows fitted with obscure glass,
- c. The bathroom window is to be a highlight window with a minimum sill height of 1.5 metres or bottom a hinged window fitted with obscure glass, and
- d. The ensuite window is to be be a highlight window with a minimum sill height of 1.5 metres or bottom hinged windows fitted with obscure glass.

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

Reason: In order to maintain privacy to the adjoining / nearby property (DACPLC07)

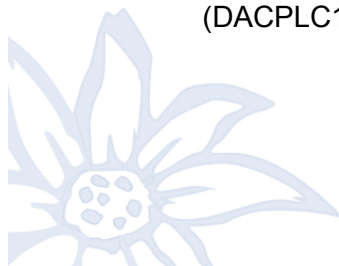
10. Sewer / Water Quickcheck

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)



11. Bonds

Security Bond

A bond (determined from cost of works) of \$1,000 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.

(**NOTE:** This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)
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.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)

12. 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)

13. Vehicle Driveway Gradients

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

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

Reason: To ensure suitable vehicular access to private property. (DACENC13)

14. 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 Roz Engineering, drawing number SWC-01A dated 5/4/2011, SWC-03A dated 6/7/2011 and OSD tank plans prepared by JDT Design, drawing number 1136 S.01A and S.02A dated 12/9/2011.

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:

- i. OSD tank must be amended to provide minimum 27.8 cubic metres of storage volume
- ii. Overflow from the OSD tank must be directed to the surface inlet pit located at the south western corner of the development in the event of a blockage to the control discharge device
- iii. Upstream catchment surface flows must be directed around the OSD tank and discharged to the surface inlet pit located at the south western corner of the development
- iv. Stormwater runoff from the whole development must be collected and discharged to the OSD tank

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. (Special condition)

15. Trees and/or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

This consent includes approval to remove the following trees:

All trees which are located within the building footprint only unless exempt or noxious in Warringah.

Trees which are located within the building footprint only as indicated on Site Plan - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
01-1	2.08.11	Sekisui House

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)



17. 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)

18. Vehicle Crossings

The provision of 1 vehicle crossing 3.5 metres wide in accordance with Warringah Council Drawing No A4-3330//3NL 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)

19. 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)

20. Traffic Control During Road Works

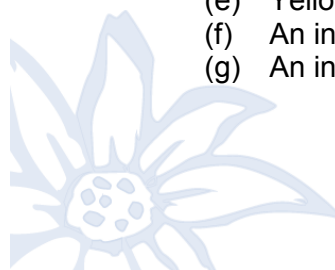
Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

21. 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 ISSUE OF OCCUPATION CERTIFICATE

22. House / Building Number

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

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

Reason: Proper identification of buildings. (DACPLF04)

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

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)

24. 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)

25. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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 modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)



26. 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)

27. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council’s standard requirements, (available from Warringah Council), at the applicant’s expense and endorsed by Warringah Council’s delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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 ongoing maintenance of the on-site stormwater detention system.
(DACENF12)

28. 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 Warringah 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)

29. Additional Screen Planting

Species	Location	Pot Size
Acmena smithii (Lillypilly)	Southern boundary from the front of the building alignment (porch) to the southwest corner of the allotment in densities the same as the remainder of the Lily Pilly planting shown on the plans.	200mm
Acmena smithii (Lillypilly)	Western boundary from the southwest corner to the northwest of the allotment in densities the same as the remainder of the Lily Pilly planting shown on the plans.	200mm

Required trees are to satisfy the following:

- a) All replacement trees must be of a species that will attain a minimum height of five (5) metres at maturity within 5 years of planting;
- b) All replacement trees must be maintained until they reach five (5) metres in height;
- c) If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced; and

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

Reason: To maintain environmental amenity. (DACLAF01)

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

30. Maintain Screen Planting

The planting referred to in Condition No. 29 "Additional Screen Planting" must be maintained in perpetuity along the southern and western boundaries.

Plantings are to satisfy the following:

- a) All replacement trees must be of a species that will attain a minimum height of five (5) metres at maturity within 5 years of planting;
- b) All replacement trees must be maintained until they reach five (5) metres in height;
- c) If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced.

Reason: To maintain environmental amenity.



[illegible]

[illegible]

