



STATEMENT OF ENVIRONMENTAL EFFECTS

For New Dwelling

MALLINGER RESIDENCE

172 HEADLAND ROAD NORTH CURL CURL / LOT 19 Sec A DP 8139

Prepared by

ANDREW DONALDSON ARCHITECTURE & DESIGN

For Submission to

NORTHERN BEACHES COUNCIL

1.0 Introduction

1.1 Terms of Reference

This Statement of Environmental Effects has been prepared on behalf of **Stephen Mallinger** to accompany the **Section 96 (2)** Application for the Construction of a new residence on his property at 172 Headland Road, North Curl Curl.

This report aims to:

- Provide the context for the proposal by describing the existing site / local environment
- Describe the proposed development; and
- Assess all relevant issues identified on the Application Checklist

This report identifies impacts and details measures taken to mitigate against such impacts and addresses relevant topics as identified in Council's DA Checklist. It should be read in conjunction with the following drawings and reports forming part of this application:

	Drawing	Description	Prepared
•	M4 S96 01 F	LOCATION PLAN	ADAD
•	M4 S96 02 F	SURVEY	David Frew
•	M4 S96 03 F	SITE ANALYSIS + SITE PLAN	ADAD
•	M4 S96 04 F	GROUND + FIRST FLOOR PLANS	ADAD
•	M4 S96 05 F	SECOND + THIRD FLOOR PLANS	ADAD
•	M4 S96 06 F	EAST + SOUTH ELEVATIONS	ADAD
•	M4 S96 07 F	WEST + NORTH ELEVATIONS	ADAD
•	M4 S96 08 F	SECTIONS A + B	ADAD
•	M4 S96 09 F	SECTION C + POOL	ADAD
•	M4 S96 10 F	SHADOW DIAGRAMS – WINTER 9AM	ADAD
•	M4 S96 11 F	SHADOW DIAGRAMS – WINTER 12NOON	ADAD
•	M4 S96 12 F	SHADOW DIAGRAMS – WINTER 3PM	ADAD
•	M4 S96 13 F	SITE WASTE + RECYCLING MANAGEMENT PLAN	ADAD
•	M4 S96 14 F	STORMWATER DRAINAGE – GROUND + FIRST	ITM Design
•	M4 S96 15 F	STORMWATER DRAINAGE – SECOND + THIRD	ITM Design
•	M4 S96 16 F	SEDIMENT CONTROL PLAN	ITM Design
•	M4 S96 17 F	FINISHES SCHEDULE + BASIX COMMITMENTS	ADAD

1.2 Overview of Proposed Development

The proposal has been generated by the owners' requirements to remove the dilapidated and unsafe current dwelling to create a new sustainable and safe environment that works with the natural topography and provides a good standard of living for their growing family. The proposed works are described as follows:

- Demolition of current dilapidated and unsafe dwelling
- Creation of a new family home around the natural features of the site
- Creation of a new garage and guest bedroom for parents
- Construction of sensitive external circulation throughout the site
- Construction of a new in-ground plunge-pool

In response to an Order from council (**Appendix 1**) in July 2013, the owners have commissioned a contractor to stabilize the existing residence as instructed by our structural engineer (**Appendix 2**) which has now been certified as complete satisfying that Order (**Appendix 3**) until demolition and construction of their new residence.

The development works are proposed to commence in early 2014 pending favourable assessment and approval by Council.

2.0 Overview of the Site and Surrounding Land

2.1 Local and Regional Context

The site is located in the Sydney suburb of North Curl Curl, and currently contains a residential building that does not meet the facilities that the owners required of the property. It is bounded on its side and rear boundaries by residential properties, is currently used as a residence and will continue this function.

The site has a vehicle entry from its street frontage (Headland Road – Southern site boundary). This is proposed to be maintained as part of the development. The existing entry to the residence will be demolished and replaced with a new path along a similar line but one that is more suited to the site's topography.

2.2 Legal Description and Zoning

The site consists of a single allotment and is zoned as follows:

Title	Zoning
Lot 19, Sec 4, DP8139	R2 Low Density Residential

2.3 Site Topography and Landform

The site has an area 658.2m²

There is a significant cross fall on the site along the North/South axis of 15m. There are several banks in the terrain with a large sandstone rock outcrop underneath the existing residence, and high sandstone wall to the south of the existing residence. Both will be retained as much as possible.



Figure 1: Location plan. The subject site is located 1.5km northeast of Curl Curl Beach, with panoramic ocean views to the south and east, and limited access to northern light up the slope to its shortest boundary.

3.0 Statement of Environmental Effects

3.1 Architectural Philosophy

The proposal seeks to create a sustainable and safe environment that provides a good standard of living for the clients growing family.

It constructs a house appropriate for the site, working with the many levels and natural sandstone cliff and wall features, drawing them into the architecture rather than in opposition. In turn the residence fragments, each room capturing panoramic ocean views to the south east, and reaching for precious northern sunlight from the rear,

The proposal vastly improves usability and environmental performance of the current unlivable residence via a slender and elongated new living wing hovering over the sandstone cave, internal courtyard organized around the flanking sandstone cliff, and finally family room and backyard space high at the northern, green level area of the site. The language of **Off-form Concrete, Zinc,** Timber and Glass references other local sympathetic contemporary additions, and the immediate landscape and material palette of the site itself.



Figure 2: On top of the Sandstone Cave, we begin to reveal the panoramic ocean views and a sturdy base on which to rest our gentle new building.

External circulation is celebrated, meandering at the most minimal grade possible, along the driveway, back on the grass under the cave, swooping up its side to the main house entry at which point the panorama is glimpsed before you. Upon entering the house, the sandstone cliff is immediately framed, ocean panorama through corner windows to the southeast and the gentle circulation continues up the hill internally around the natural courtyard culminating in eth family and external living areas above. There are 4 subtle split terrace levels in the main house, always referring gently to the natural topography on which the house site.



Figure 3: The backyard is the sunniest place on the site, perfect for children's play and not to build on at all. The new pavilions cascade down from here, framing views, affording privacy and arranging themselves in an aesthetically pleasing manner complimentary to the natural landscape.

3.2 Zoning and Building Use

The site is currently zoned R2 Low Density Residential and a change is not being sought with this application. The current building use is as a private residence, and this will not change as part of this application.

3.3 Building Size

The following table sets out the existing and proposed areas of the building:

	Approved DA	S96A Application	Change
Site Area	658.2 m ²	658.2 m ²	NIL
Existing Floor Area	136.4 m ²	136.4 m ²	NIL
Proposed Floor Area	245.2 m ²	275.7 m ²	30.5 m ²
Overall Increase	108.8 m ²	139.3 m ²	30.5 m ²

3.4 Site and Solar Orientation

The site has its longest boundary running North/South, and given the minimal width of the site, it restricts the orientation options available for the location of the building on the site.

As such the building is essentially oriented North South via breaking down of the building form and introduction of internal courtyards. East windows have been sparingly used considering the panoramic views, and westerly windows only for cross ventilation.

3.5 Building Bulk and Form

Building Form

The existing structure on the site will be removed in its entirety. The years of neglect by previous owners have left the two storey structure in a state that is unfit to live in and for the owners to try to repair it would border on financial negligence.

The proposal is to replace this dilapidated structure with a modern residence that takes the box like form of it's predecessor and evolves it further to create a series of forms that protrude from, hug and overhang the topography of the site depending on where they fall.

The building has a bulk that has far greater attenuation and variety in its form to the buildings around it, as shown by the fact that visitors pass under part of the building as they progress to the building entry as they do the natural sandstone features. This form of the building results in a footprint far more reduced on site than most other buildings in the vicinity of the development.

Minimal cut and fill will be required by the new development as the design makes use of natural features, and evens out the land where cut and fill has been undertaken previously as a form of site repair.

The roofs on the proposed development have been kept to minimal pitch flat roofs for two reasons. Firstly to keep the bulk of the building down and not interrupt the views of the surrounding properties, and secondly to maintain the contemporary aesthetic of the residence in contrast to the sandstone context.

3.6 Materials and Finishes

External forms are broken down into a palate of natural materials, from timber cladding in deference to the original dilapidated structure, zinc for its noble patina and delicate aesthetic for floating volumes, and off-form concrete to emerge from the sandstone cliffs, platforms and walls of the topography itself.

Stone pavers, sourced from the loose stone encountered on the site where possible, will be returned into the works as paving where possible. All of the new spaces will have a series of steel framed colorbond clad roofs all linked into the new storm water system on the site.

3.7 Building Envelope

The works are contained within the 8.5m height plane for the site. There was a small breach of this height plane when we informally met with a duty planner in September. The advice of the planner consulted that it would not be an issue during approval, however we have pulled the family room cantilever back regardless.

The proposed works are contained well within the required site boundary setbacks and there is no requirement for any additional or special setbacks by the available Council policies.

3.8 Parking and Access to Traffic

The site currently has no formal parking available on the site. There is no formal driveway and the kerb layback looks in need of some repairs. As part of the works, a new 2 car garage will be constructed with a formalised single width concrete driveway. The driveway will enter and exit the site out of the existing kerb layback location, as it is the most practical location for the crossing to occur.

The proposal complies with the objectives of DCP 2011 Clause C2 in that the proposal will:

- a) Reduce traffic hazards
- b) Reduce the need for queuing vehicles on public roads,
- c) Uses an existing vehicle crossing
- d) Formalises the vehicle crossing, reducing uncertainty
- e) Does not effect any public transport paths
- f) Does not affect any on street parking facilities.

A new dedicated pedestrian path will be provided alongside the driveway from the currnt kerb, which will lead guests gently up to the main residence.

3.9 Privacy, Views and Overshadowing

Privacy

There is no anticipated decrease in the privacy of the neighbouring residences by the development as the works have been designed minimise any chance to overlook private areas to the surrounding building.

Views

The proposed works at the Northern end of the site have been maintained to a single storey scale, similar to the existing residence, to not intrude into the views from any of the properties to the North of the site. The removal of the dilapidated cottage will have a positive effect on the views from beyond the site.

Overshadowing

There will be a increases to the overshadowing of part of the area to the South of the new building addition, however it does not reduce the available light to levels below the amounts stipulated within the DCP controls. The bulk of the upper part of the residence is further back than the existing residence, increasing sunlight access to eth south at that higher level.

3.10 Landscaping & Private Open Space

The proposed works are well above the requirements for provisions for Open Space and Landscaped areas set out within the controlling DCP provisions.

It is proposed to remove most of the dead insignificant vegetation from the site except the one large palm tree near the street boundary, which the new driveway skirts around. Any additional vegetation will be suitable and manageable species that will not interrupt the views of the surrounding residences. Extensive covered outdoor rooms and courtyards are proposed to provide shading to the owners and their family.

The proposed are of Private Open space is provided at the rear of the dwelling off the family room. It has excellent solar access and will act as an extension of the family room area, the one place on the site.

3.11 Acoustics

It is not anticipated that the proposed development of the site will adversely raise the noise of the surrounding area once construction is completed. Construction personnel will need to adhere to Council conditions of consent regarding hours of operation, but the overall use of the site upon completion will not have negative effect on the surrounding properties.

Noise sensitive rooms have been located away from potential noise sources as required by the DCP requirements, and Noise generating areas have been located away from surrounding residences noise sensitive areas as best can be.

3.12 Utility Services and Waste

The site will connect to the local infrastructure networks with new connections to future design details. .

The in site services will be expanded accordingly to suit the new building footprint. New stormwater tanks will be connected to the new extension roof, with appropriate overflow connections back into the stormwater system, including detention tank. Please refer to Hydraulic Drawings R1DA/14,15, and 16 as part of this application.

3.13 Flooding + Drainage

The site is not classified as flood prone.

All areas will be detailed to drain accordingly into appropriate collectors.

3.14 Erosion + Sediment Control

Before commencement of work the builder will submit to the selected Certifying Authority a Waste Management Plan including a proposal to control potential erosion and sediment movement.

A concept Sediment and Erosion Control plan has been prepared by the Project Hydraulic Engineer and has been included with the Development Application documentation. Please refer to Hydraulic Drawings R1DA/14,15, and 16 as part of this application.

3.15 Heritage Conservation

There is no identified heritage issue for the site.

The site does not contain a heritage-listed item, nor is it in a Heritage Conservation zone or within the curtilage of any heritage listed items.

4.0 Section 79C (1) Assessment

The following tables provide an assessment of the development application having regards to the matters for consideration under Section 79C of The Environmental Planning and Assessment (Amendment) Act 1997

4.1 Provisions for any Environmental Planning Instrument (EPI)

PRIMARY MATTERS	SPECIFIC CONSIDERATION	SUMMARIZED ASSESSMENT/COMMENT
1. State Environmental Planning Policies		Not relevant
2. Regional Environmental Plans		Not relevant

3. Local Environmental Plans	Warringah LEP 2011	
SECTION	OBJECTIVE	COMPLIANCE
Zone Objectives	Subject site is zoned R2.	Proposed use is permitted.
Height of buildings	Building height is to not exceed 8.5m above natural ground level	Compliant
Heritage	Not a heritage item or within a conservation area	Not Applicable
Preservation of Trees or Vegetation	Preserve the amenity of the area including biodiversity values through the preservation of trees and other vegetation	Refer to Landscaping section in Chapter 3 and Landscape Open Space Plans.
Earthworks	Protection of property, relics and watercourses from excessive and unnecessary excavation	Compliant
Coastal Protection	Not applicable	Not applicable
Key sites	Not noted as a key site	Not noted as a key site
Coastline Hazard	Not noted on Coastline Hazards map	Not noted on Coastline Hazards map
Land Reservation Acquisition	Not noted	Not noted
Additional Permitted uses	Not noted	Not noted
Landslip risk	Area B – flanking slopes from 5 – 25°	Area B – flanking slopes from 5 – 25°

4.2 Provisions for any Draft Environmental Planning Instrument

No draft planning instrument in place.

4.3 Development Control Plans

CONTROLLING DOCUMENT	Warringah Council DCP 2011
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CLAUSE	CONTROLLING STANDARD	PROPOSAL	COMPLIANCE
Site Area (m2) and Density	1 dwelling per 600m2 excluding existing allotments.	658.2m2 existing	YES
Maximum ceiling height	7.2m above natural ground level		Yes
Land use Zoning/Category	Residential R2	Residential R2	Yes
PART B BUILT FORM CONTROLS			
B1 Wall Heights	Maximum 7.2 metres		Yes
B2- Number of Storey's	N/A. Site not noted on DCP plans		N/A
B3-Side Boundary Envelope and Side Setback	Building envelope determined at 45 degrees from 5 metres side setback of 0.9m.	Compliance shown on Elevations	Yes
B4-Site Coverage	N/A. Site not noted on DCP plans		
B5-Side Boundary Setbacks	0.9 metres for R2 land zone	Compliance shown on plans	Yes
B6-Merit Assessment Side Boundary Setbacks	N/A		
B7-Front Setback	6.5 metres	Compliance Shown on Plans	Yes
B8- Merit Assessment Front Boundary Setback	N/A		
B9-Rear setback	6 metres; however, exceptions are made for swimming pools and outbuildings that in total do not exceed 50% of the rear setback area.	Compliance Shown on Plans	Yes
B9-Rear Setback Objectives	1. Deep soil landscape areas. 2. Development not visually dominant; 3. Scale and bulk of structures is minimised. 4. Adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access.	Development complies with all requirements	Yes
B10-Merit Assessment Rear Boundary Setback	N/A		
B11- Foreshore Building Setback	N/A		
B12- National parks setback	N/A		

B13- Coastal Cliffs Setback			
B14- Main Roads Setback	N/A. Site not noted on DCP plans		
B15- Minimum Floor to Ceiling Heights	N/A. Site not noted on DCP plans		
PART C-SITING FACTORS			
C2-Traffic, Access and Safety	1. Demonstrate that vehicle and pedestrian access meets the objectives. 2. Vehicle access is practical 5. Vehicle Crossing and design in accordance with Council's specifications	1. Refer to Parking and Access to Traffic in Chapter 3. 2. Refer to Parking and Access to Traffic in Chapter 3. 5. Compliance can be obtained during construction	Yes
C3-Parking	Not visual dominant & in accord with AS Code	2 car garage is to be provided. To be constructed to AS Standards as required.	Yes
C4- Stormwater	Compliance with Council's Stormwater Drainage Design Guidelines – Minor works. Impervious area greater than 50m2	Appropriate design of stormwater systems will be undertaken for approval with the Construction Certificate	Compliance can be obtained. Refer Hydraulic Engineer Drawings R1DA14, 15 as part of this DA
C5-Erosion and Sediment control	Management of soil and water required	Contractor will be required to provide appropriate E & SC measures for approval with Construction Certificate	Compliance can be obtained. Refer Hydraulic Engineer Drawings R1DA16 as part of this DA
C6- Building Over/Adjacent to Council Drainage Easements	N/A		
C7-Excavation and Landfill	Site stability	The proposed excavations will be conducted to future engineering instructions and details.	Compliance can be obtained. Refer attached Geotechnical Engineer Assessment as part of this DA
C8-Demolition and Construction	Waste management control	The requirements of this clause can be complied with during construction by the contractor.	Compliance can be obtained
C9-Waste	On-site waste	A waste management	Yes

Management	management and storage	plan has been submitted with this application.	
PART D- DESIGN			
D1-Landscaped Open Space	1. Minimum 40% of site area. 2. Rear landscaping to achieve the desired future character as well as objectives within the required setback area.	Refer to Plans submitted	Complies
D2- Private Open Space	Minimum 35m2 of private open space required	Sufficient space is provided that meets the requirements of the code.	Complies
D3-Noise	Mechanical noise to be compliant with NSW noise policy requirements and standards	Refer to Acoustics in Chapter 3	Complies
D4 Electromagnetic Radiation	N/A To this development		
D5- Orientation and Energy Usage, Efficiency, Sustainability	Considered Placement of buildings Compliance with BASIX requirements	Refer to Site and solar orientation in Chapter 3 Basix Certificate has been provided with this application	Complies
D6-Access to Sunlight	Sunlight to at least 50% of private open space to adjoining properties not to be less than 2 hours between 9am and 3pm on the winter solstice.	Refer to Privacy, Views and Overshadowing in Chapter 3	Complies
D7-Views	View sharing to be maintained	Refer to Privacy, Views and Overshadowing in Chapter 3	Complies
D8-Privacy	Development not to cause unreasonable overlooking of habitable rooms and principal private open space.	Refer to Privacy, Views and Overshadowing in Chapter 3	Complies
D9-Building Bulk	Buildings/structures to have visual bulk and architectural scale consistent with locality	Refer to Building Form and Bulk in Chapter 3	Complies
D10 Building Colours and Materials	1. Visual impact to be minimised 2. Colours and materials selection	Refer to Materials and Finishes in Chapter 3	Complies
D11 Roofs		Refer to Building Form and Bulk in Chapter 3	Complies
D12 Glare and Reflection			

D13 Front Fences and Front Walls		No proposed front fencing	N/A
D14 Site Facilities	Provide adequate facilities on the site for noted activities and storage	Refer to plans	Complies
D15-Side and Rear Fences	To be maximum 1.8m above natural ground level and in accordance with the Dividing Fences Act	Refer to elevations	Complies
D16- Swimming Pools and Spas	1. Ensure pools are located to preserve the natural environment, streetscape and residential amenity. 2. Pools not to be located in the front building setback. 3. Pools are to be set back from any mature trees.	The pool has been located within the development to conceal it from the street and surrounding areas	Complies
D17 Tennis Courts	N/A		
D.18 Accessibility	N/A to residential properties		
D.19 Site Consolidation	N/A		
D20 Security	Consideration to be given to passive security through design measures	The proposal has taken into consideration the requirements of this clause	Complies
D21-Utility Services	Appropriate utility services to be provided	Appropriate service connection locations will be provided to future design details	Compliance can be obtained.
D22-Conservation of Energy and Water	Compliance with BASIX requirements	Basix Certificate has been provided with this application	Complies
D23- Signs	N/A to this development		
PART E- NATURAL ENVIRONMENT			
E1-Private Property Tree Management	Any impact on trees to be supported by Arborist report	Refer to Landscaping section in Chapter 3	Complies
E2-Prescribed Vegetation	Not indentified	Refer to Landscape Architect's Plan	Complies
E3-Threatened Species	Not identified		N/A
E4-Wildlife Corridors	Not identified		N/A
E5- Native Vegetation	Not Identified		N/A
E6-Retention of Unique Environmental Features	Not identified		N/A
E7-Development Adjoining Public Open Space	N/A to proposed site		

E8-Waterways and Riparian Lands	N/A to proposed site		
E9-Coastline Hazards	N/A to proposed site		
E10-Landslip Risk	Land Slip Risk Map – Area B. Assessment of risk associated with possible landslides. 2. Development not to cause significant detrimental impacts because of stormwater discharge. 3. Development not to impact or affect existing subsurface flow.	Refer to Geotechnical Engineer Assessment as part of this DA	
E11- Flood Prone Land	None identified	Not applicable	
Land Contamination			

5.0 Conclusion

The proposed development meets with the majority of guidelines set out within Warringah Councils LEP and DCP regulations. It contains many positive attributes, which make it a good model for responding sensitively to a complicated topography and orientation.

The nuanced circulation and access routes allows the kerbside and streetscape to remain as is, and by removing the dilapidated building creating community benefit to the immediate neighbours. The articulated building volumes respond to and augment the natural terracing of the existing landscape, creating a rich, contextual and contemporary residence for the owners and their family, sensitive to the land, and sympathetic to the character of North Curl Curl through material selection and minimal footprint. Through rainwater harvesting, passive solar principles and materials that weather and age with dignity, the proposal will be a long-term asset to the local community, less dependant on outside services.

It is requested that council give favourable consideration for the approval of the Development Application as submitted.

Report prepared by:



Andrew Donaldson
Principal / Architect 8472

ANDREW DONALDSON ARCHITECTURE & DESIGN

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council@warringah.nsw.gov.au
31 565 068 406

12 July 2013

M S Rice, L Rice
15 Oatway Parade
NORTH MANLY NSW 2100

Ref No: EPA2013/0187

Dear Sir/Madam

Re: Notice of Intention to Issue an Order
Legislation: Notice issued under the Environmental Planning and Assessment Act
1979
Premises 172 Headland Road NORTH CURL CURL NSW 2099 Lot 19 Sec A DP
8139

You are given notice that Warringah Council is in possession of evidence and has formed the opinion that the dwelling house at 172 Headland Road NORTH CURL CURL NSW 2099 is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.

The circumstances and reasons for the Notice are detailed in the attached document.

In addition, attached is an information sheet which provides some answers to frequently asked questions.

You are advised that:

1. You may wish to seek formal advice to help you through the process from a relevantly qualified professional
2. The time for you to have this matter addressed prior to formal Orders, Court proceedings and / or fines being issued is now.

If your representations are unsuccessful or no representations are received by Council, Orders and fines may be issued or Court Proceedings may be commenced without further notice.

Representations

Any representation to the proposed Notice must be received by Council by 5pm August 2nd 2013.

Information regarding representations can be found on the attached information sheet.

Further Information

If you require any further assistance please contact Dale Martinuzzo on 9942 2111 or via e-mail at council@warringah.nsw.gov.au

Yours faithfully,

Paul Melrose
Development Compliance Officer



**Warringah
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INFORMATION SHEET

Notice of Intention to Issue an Order

What is a Notice:

A Notice of Intention is a legal document that Council can issue under various pieces of legislation.

There can be many reasons for the issuing of a Notice of Intention, these can include:

- a) legislative breach has occurred and is required to be remedied
- b) there is a matter associated with the natural or built environments causing impact and is required to be remedied
- c) there is a matter associated with public health or safety and is required to be remedied

Full details of the circumstances, reasons and requirements associated with the Notice of Intention issued to you are detailed in the Notice of Intention attached.

How do I respond (make representations) to this notice?

You have the right to make written representations to Council before an Order is given in relation to the following matters:

- i. why the proposed Order should not be given;
- ii. the terms of the proposed Order,
- iii. the period of compliance with the proposed Order.

Who do I send my representations to?

All representations should be made to the attention of the **Compliance Unit** and sent to Council via any of the following:

email	fax	mail
council@warringah.nsw.gov.au	(02) 9971 4522	Civic Centre 725 Pittwater Road Dee Why NSW 2099

What happens to any representations I make?

After reviewing and considering any representations made concerning the proposed Direction, Council may determine any of the following:

- (a) issue the Direction without change from the Notice of Intention, or
- (b) modify the Direction from that proposed in the Notice of Intention, or
- (c) not give the Direction.

You will be notified of Council's decision regarding your representations.

What happens if I do not respond?

If no representations are received by Council, Orders and fines may be issued and Court Proceedings may be commenced.



**Warringah
Council**

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NOTICE OF INTENTION

TO ISSUE AN ORDER

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

DATE: 12 July 2013

TO WHOM: M S Rice, L Rice
15 Oatway Parade
NORTH MANLY NSW 2100

PREMISES: 172 Headland Road NORTH CURL CURL NSW 2099– Lot 19 Sec A DP 8139

You are given notice that Warringah Council is now in possession of evidence and has formed the opinion that the dwelling house at 172 Headland Road NORTH CURL CURL NSW 2099 is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.

Under s 121H of the Environmental Planning and Assessment Act 1979 (*the Act*) Warringah Council hereby gives you **NOTICE OF ITS INTENTION TO ISSUE AN ORDER** under s 121B of the Act.

Prior to the formal order being issued you have the right to make written representations to Council in relation to the following matters:

- Why the proposed Order should not be given;
- The terms of the proposed Order;
- The period of compliance with the proposed Order.

The proposed requirements of the intended order are detailed below.

If development works are required in the attached proposed Order then No Works shall be undertaken prior to an actual Order being given or obtaining any required development consent.

Order Number	To Do What:	Circumstance and Reason for the Order:
4(b)	• Engage a suitably qualified and practicing Structural Engineer to attend the property and undertake a detailed inspection of the dwelling house and prepare a report on its structural adequacy and integrity. • Carry out any rectification; strengthening, remedial works or demolition works that may be identified and required to be undertaken to the dwelling house, all works must be carried out under the supervision of a practicing qualified Structural Engineer. • Ensure all rectification; strengthening, remedial works or demolition works are	It is considered that the dwelling house at 172 Headland Road NORTH CURL CURL NSW 2099 is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.

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	carried out in a healthy and safe manner to ensure the health and safety of the public, its occupants and to persons or property in the neighbourhood. • Sediment control is to be maintained at all times and remain in proper operation until all rectification; strengthening, remedial works have been completed. • Provide Council on completion of the works with a Structural Engineers Certificate prepared by a qualified practising Structural Engineer certifying that all rectification; strengthening, remedial works or demolition works to the dwelling house has been carried out and are in compliance with all relevant BCA, Australian Standards and the Structural Engineers recommendations. • Should demolition of the entire dwelling be recommended and undertaken, certification will not be required.	
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Please note - Notwithstanding the above Order, Council strongly recommends you undertake demolition of the dwelling house in accordance with approval for demolition: consent number DA2012/1278

REASONS FOR THE ORDER: (s 121L of the Act)

1. The matter has come to Council's attention by a Council Officer undertaking operational duties.
2. The premises are located within the Warringah Council Local Government area.
3. The premises is located within the Land zoned R2 Low Density Residential under the provisions of Warringah Local Environment Plan 2011.
4. A search of Council records revealed:
 - The property has recently changed ownership
 - Previous Court Orders were placed on the property for an application to be lodged seeking approval for the demolition of the dwelling house.
 - An approval was issued for the demolition of the dwelling house on 12th November 2012 as per Court Orders.
 - Subsequently, the Court Orders required demolition of the dwelling house by 12th November 2013.
 - Council considers these Court Orders are not applicable to the current owners of the property.
 - Accordingly, Council has concerns in regards to the structural integrity of the dwelling house, as it may represent a danger to persons or property in the neighbourhood.
5. An inspection of the above premises on 11/7/13 by Paul Melrose (Authorised Officer), revealed the following:
 - The dwelling house was in an extremely poor and dilapidated condition with evidence of vermin (live pigeons, feathers, droppings) inside the upper level as viewed from outside the dwelling.
 - The dwelling house appeared unoccupied.
 - External cladding has either fallen or weathered away in many places.
 - It appeared that there was external decking at one stage which appears to have fallen away or has been removed.
6. Taking the above matters into consideration, Council has elected to issue a Notice of Intention.

THE PROPOSED PERIOD OF COMPLIANCE WITH THE ORDER

The proposed period of compliance with an order would be 28 calendar days from the date of issue.

FAILURE TO COMPLY WITH THE ORDER

- A) In the event that an Order is issued, it is an offence pursuant to s 125 of the Act to fail to comply with that Order.
- B) In the event that an Order is issued and you do not comply, Council may:
- a. Issue Fines
 - b. Commence Court Proceedings to compel compliance and / or undertake a criminal prosecution

COUNCIL MAY CARRY OUT WORK

Council may carry out the work required by the Order (under s 121ZJ of the Act) and recover all associated costs incurred in giving effect to the Order as a debt in a court of competent jurisdiction.

RIGHT OF APPEAL AGAINST THE ORDER (s 121N & s 121ZK of the Act)

In the event that an Order is issued s 121ZK of the Act permits an individual or corporation affected by the Order to appeal in the Land and Environment Court of NSW against the Order within **28 days** after the service of the Order.

ENQUIRES

If you require any further assistance please contact Dale Martinuzzo on 9942 2111 or via e-mail at council@warringah.nsw.gov.au

Yours faithfully,



Paul Melrose
Development Compliance Officer

Appendix 2 – Engineer Strengthening Measures

NORTHWOOD PTY LTD CONSULTING ENGINEERS
LEVEL 1, 271 PACIFIC HIGHWAY
NORTH SYDNEY, 2060
14th. of August 2013

WARRINGAH COUNCIL

C/o Andrew Donaldson Architecture & Design
Suite 65 / 61 Marlborough Street Surry Hills NSW 2010
PO Box 623 Surry Hills NSW 2010
Attention: Andrew Donaldson

RE:172 HEADLAND ROAD, CURL CURL.

At your request I write to confirm the measures that are proposed to strengthen the existing residence at the above noted residence. This work being in response to Warringah Council Order 4b dated the 12th. of July 2013.

I am a structural engineer of some 30 years experience and inspected the existing residence today with the builder, the owner and the architect. The former being engaged by the owner to carry out the following works:

1. The existing residence is to be cordoned off by the provision of security fencing placed adjacent to the residence. The purpose of this being to prevent persons from entering the residence.
2. All doors and windows shall be made impassable by locks or boarding.
3. The walls shall be braced with external speed bracing as set out on the attached site instruction SK1.
4. The south eastern corner of the residence shall be strengthened by the provision of a 2 storey timber framed and plywood clad wall as set out on the attached site instruction SK1.
5. The completed exo-skeleton shall be inspected and when installed correctly shall be certified for a period of 12 months.
6. The demolition of this building is slated to be completed within this 12 month period or nominally by the end of August 2014.

For the purpose of clarification I attached the following annotated photographs of the braced residence.



TYPICAL WALL BRACING. Type 'a'.



TYPICAL WALL BRACING. Type 'b'.

If council has any queries on this matter then please do not hesitate to contact me on 0417080363.

YOURS FAITHFULLY

A handwritten signature in black ink, appearing to read 'Neil Walsh', with a horizontal line underneath.

MIEAust#832325

NEIL WALSH
MIEAust, B.E., M.EngSc., CPEng. Civil & structural
cc. Matthew and Louise Rice, Chris Snel.

172 HEADLAND ROAD, CURL CURL

SITE INSPECTION

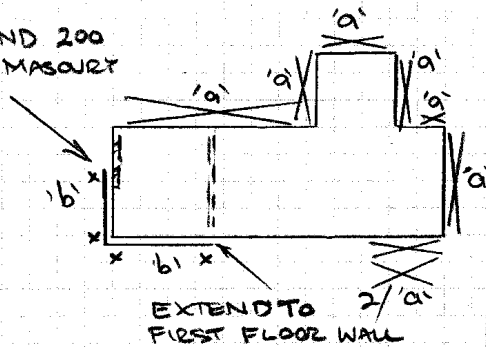
Northwood PTY. LTD. ABN 62660637961

Level 1, 271 Pacific Highway,
NORTH SYDNEY, 2060 PH.0417080363

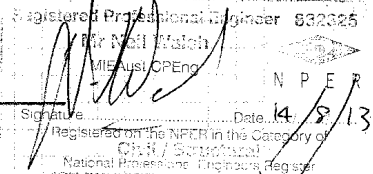
Email: northwoodptyltd@bigpond.com

14-8-13

EXTEND 200
PAST MASOURT



BRACING PLAN



'a' Type bracing ---
ROOF TO FIRST FLOOR

HEAVY DUTY SPEED BRACED
NAILED TO EACH STUD
& WRAPPED AROUND TOP &
BASE PLATES.

'b' Type bracing ---
ROOF TO SANDSTONE

1) 6mm F8 PLYWOOD NAILED
TO 90x45 JD4 STUD &
PLATES @ 600 MAXIMUM
CENTRES.

2) 6mm COACH SCREW THROUGH
PRE-DRILLED STUD INTO
EXISTING STUDS @ 500 CTRS

3) 6mm COACH SCREW THROUGH
FIRST FLOOR & ROOF TOP
PLATES INTO EXISTING BEARER
& SAND TOP PLATES RESPECTIVELY

4) PROVIDE M10 THREADED ROD EPOXY GROUT 300
INTO SAND STONE. PLACE @ X LOCATIONS SHOWN
ON PLAN

Appendix 3 – Engineer Certification

NORTHWOOD PTY LTD CONSULTING ENGINEERS
LEVEL 1, 271 PACIFIC HIGHWAY
NORTH SYDNEY, 2060
24th. of September 2013

WARRINGAH COUNCIL
C/o Chris Snel Builder

RE:172 HEADLAND ROAD, CURL CURL.

A senior structural engineer from this firm carried out an inspection of the bracing and internal propping installed to the existing residence at the above noted address on the 23rd. of September 2013 with the builder, Mr. Chris Snel.

The bracing and propping have stabilized the existing two storey timber residence in response to concerns set out in the recent council order 2013/0187 dated the 12th. of July 2013

This certification shall not be construed as relieving the owner, the builder or the architect from their responsibilities under the B.C.A. and as set out by council.

Designer: Neil Walsh. Qualifications: Bachelor of Engineering, Civil & Structural, Master of Engineering Science, Structural, Certified practicing Engineer Structural /Civil/Hydraulic & Member of the Institute of Engineers Australia.

YOURS FAITHFULLY



M.I.E.Aust.#832325

NEIL WALSH
MIEAust, B.E., M.EngSc., CPEng. Civil & structural
cc. Matthew and Louise Rice, Chris Snel.