

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/0674
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Responsible Officer:	Ramona Smith
Land to be developed (Address):	Lot 52 DP 841102, 12 C Brighton Street FRESHWATER NSW 2096
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Martyn Peter Huckerby
Applicant:	Claire Competiello

Application lodged:	10/07/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	25/09/2017 to 11/10/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	4
Recommendation:	Approval

Estimated Cost of Works:	\$ 246,279.70
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant

Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B5 Side Boundary Setbacks

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - C5 Erosion and Sedimentation

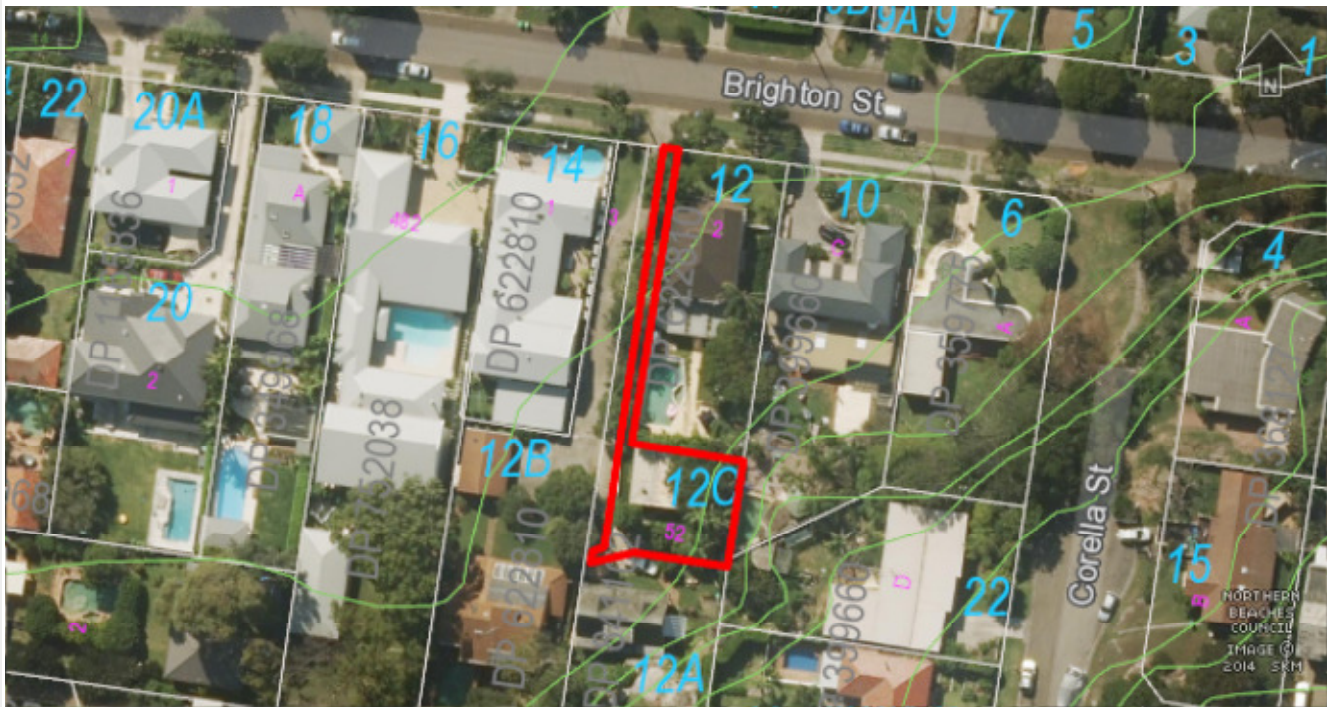
Warringah Development Control Plan - C9 Waste Management

Warringah Development Control Plan - D8 Privacy

SITE DESCRIPTION

Property Description:	Lot 52 DP 841102 , 12 C Brighton Street FRESHWATER NSW 2096
Detailed Site Description:	<p>The subject site consists of one (1) battleaxe allotment located on the southern side of Brighton Street, Freshwater.</p> <p>The site is irregular in shape with a frontage of 2.28m along Brighton Street with an access handle depth of 42.0 up to 59.0m with an area of m². The site has a surveyed area of 141.3m².</p> <p>The site is identified as being Landslip Area 'A' and 'B' under Warringah Local Environmental Plan 2011 (WLEP 201) and slopes from the western corner at Brighton Street to the rear south eastern corner of the site.</p> <p>The site has medium to large trees and shrubs within the site boundary with a large rock outcrop located at the eastern boundary. It is considered that there is no known threatened or endangered species on the site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by a mixture of modern and traditional style, single and two storey dwelling houses.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following recent and relevant applications for this site:

CDC2017/0281

Renovation of existing property, including adding a second level.

Withdrawal - 30 June 2017

93/449

Proposed subdivision of an existing dual occupancy.

Approved - 18 October 1993

The land has been used for residential purposes for an extended period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves alterations and additions to a dwelling house including a first floor addition comprising of:

Ground Floor

- Open plan kitchen and dining area, bathroom and study;
- Internal stair access to first floor; and
- Single car space.

First Floor

- Two (2) bedrooms, leisure area and ensuite; and
- Deck on the eastern and western elevation.

Note: The application as lodged involved alterations and additions to a dwelling house including the construction of a first floor addition. An assessment of the application as lodged concluded the car parking requirements in its current form was not consistent with the relevant objectives of the Warringah Development Control Plan 2011 (WDC 2011) - C3 Parking Facilities - Appendix 1.

Accordingly, the applicant proposed to amend the proposed alterations and additions to include a single car space within the site as part of the assessment of the application.

Amended plans were provided on 15 September 2017 involving amendments to the proposal including changes to the roof design, windows and the inclusion of a carspace. The amended plans were re-notified.

An assessment of the amended plans as lodged concluded the proposed car space was not consistent with the relevant requirements of the Warringah Development Control Plan 2011 (WDC 2011) - C2 Traffic, access and safety.

Amended plans were provided on 31 October, 2017 involving amendments to the proposed car space.

The amended plans were not re-notified as the development was substantially the same and provided a reduced environmental impact as per the requirements of the WDCP.

The assessment of the application is based on the above works relating to the amended plans from Wave Architecture.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 79C 'Matters for Consideration'	Comments
	<p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. Additional information was requested in relation to the Warringah Development Control Plan 2011 (WDC 2011) - C3 Parking Facilities - Appendix 1 . Amended plans were provided on 15 September 2017 and 31 October 2017.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	Four (4) submissions were received in relation to this application.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process council is in receipt of 4 submission/s from:

Name:	Address:
Ross Alan Dalglish	12 B Brighton Street FRESHWATER NSW 2096
Mr Xavier Vincent Marie Assouad	12 A Brighton Street FRESHWATER NSW 2096
Ms Amanda Jayne Tibbett	12 Brighton Street FRESHWATER NSW 2096
Mrs Lynda Kristine Bauermeister	14 Brighton Street FRESHWATER NSW 2096

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

- Built Form
- Access to Sunlight
- Privacy
- Car parking
- Access to site and damage to driveway
- Trees

The matters raised within the submissions are addressed as follows:

- Built Form

The submission raised concern in relation to height of the proposed development and the impact the proposal may have to the adjoining properties.

Comment:

The application as lodged possessed a maximum building height of 7.8m and thus, within the

compliant building height as per the relevant requirements under the Warringah Development Control Plan 2011. The application as lodged possessed a maximum wall height of 7.8m, which was 0.6m above the maximum height permitted under the WDCP 2011.

The applicant chose to amend the design of the proposal and thus reducing the building height and wall height.

In summary, an assessment of the amended plans has found that the development is satisfactorily sited within the side boundary envelope and is compatible with the height and scale of surrounding and nearby development. The proposal comply's with the Warringah Development Control Plan (WDCP) - R2 Side Boundary Envelope and is compliant with the WDCP - B1 Wall height. The proposal comply's with the Warringah Local Environmental Plan 2011 (WLEP2011) - 4.3 Height of Building.

It is concluded, as amended, the proposed development does not result in any unreasonable visual impact when viewed from adjoining properties and thus, does not warrant refusal of the application.

- Access to sunlight

The submission raised concern in relation to access to sunlight to the adjoining properties and the potential impact on the existing solar panels and living / entertaining areas. Concern was raised regarding access to sunlight and the accuracy of the shadow diagrams accompanying the proposal.

Comment:

A certificate of shadow diagram was submitted with the application. Concern was raised that the certificate of shadow diagram accompanying the application did not identify the correct adjoining property, location and address. A detailed review of the shadow diagram plans submitted to council was undertaken. Council raised concern the Certificate of shadow diagram submitted was not acceptable and therefore requested revised plans. Revised shadow diagram plans were received amending the location and identifying the correct address of the adjoining property.

An assessment of the proposal concluded that while the development will create an increase in overshadowing, the location and design of the proposal will not result in overshadowing to the private open space to adjoining properties for more than three hours between 9am and 3pm on June 21.

It is concluded the development meets the requirements of part D6 - Access to Sunlight of the WDCP and does not warrant refusal.

- Privacy

The submissions raised concern in relation to the loss of privacy from the proposed windows and doors located on the North, South and East elevation. Concern was also raised relating to the elevated decks and the visual impact on privacy to the adjoining property to the south.

Comment:

A site inspection and a detailed assessment of privacy was conducted on the windows and doors on the North, South and West elevation and the proposed elevated decks located on the east and western elevation from the proposed development at No.12C Brighton Street.

This matter has been address by appropriate conditions of consent included in the recommendation of this report.

In summary, an assessment on privacy into the private open space to the adjoining properties was considered. Concern was raised the proposed stair well window on the north elevation will result in an unreasonable amenity impact to the private open space to the adjoining property and thus, a condition has been included in the recommendation of this report. As conditioned the proposed stairwell window will allow for a reasonable sense of privacy to the private open space of adjoining property to the north. It is concluded , the floor to sill height of the bathroom windows at the north elevation meet the requirements of the WDCP 2011 - Privacy and thus, allow for a reasonable level of visual privacy for the occupants and the adjoining property to the north of the subject site.

The windows and doors on the western elevation orientate towards the right of carriage way and car parking facilities to the adjacent properties. The windows orientate at an angle to the adjacent property to the north- west and furthermore allow adequate spatial separation (greater than 9m) between the subject site and the adjoining properties and thus, will not impact the visual privacy to the properties in close vicinity to the subject site.

The windows joining the dining room and kitchen at ground level and orientate to the private open space area of the subject site, at the south elevation. The spatial separation between the adjoining property to the south is greater than 9m and thus, limiting direct and close overlooking to the adjoining property. Further more it is noted the intervening dividing fence and established landscaping at the south elevation will further ensure a reasonable level of amenity for the occupants and the adjoining property to the south of the subject site.

A site inspection and an assessment on the impact upon the level of privacy to the adjoining properties from the elevated deck on the East and West elevation was considered.

Concern was raised the proposed elevated deck on the eastern and western elevation may result in an unreasonable amenity impact to the private open space to the adjoining properties and thus, a condition has been included in the recommendation of this report requiring the installation of a privacy screen to be erected along the south and north elevation of the elevated deck located on the eastern elevation and, the installation of a privacy screen to be erected along the southern elevation of the western deck. The installation of the privacy screens will allow for a reasonable level of privacy for the occupants and the adjoining properties.

As conditioned, it is concluded the proposed decks will meet the requirements under the WDCP 2011 - D8 Privacy and does not warrant further amendments or refusal.

- Car parking

Concern was raised in relation to the current car parking arrangement on site and the proposed single car space and new proposed boundary fence impinging on the right of carriageway.

Comment:

Concern was raised the application as lodged was not consistent with the relevant objectives for car parking under the WDCP 2011 - Appendix 1 . Amended plans were received addressing this concern.

A site inspection and an assessment on the impact upon the right of carriageway as a result of the proposed new fence was considered.

This matter has been addressed by appropriate conditions of consent included in the recommendation of this report.

In summary, it is concluded the proposed new fence on the south elevation and the gate on the south -west elevation of the subject site will impinge the right of a carriageway and thus, a condition has been included in the recommendation of this report for the proposed new fence and gate to be deleted.

Furthermore, the application was referred to the Councils Development Engineering team who raised no objections to the proposal subject to conditions in relation to off street parking facilities and structures associated with the proposed car space including any gates must not encroach onto the existing right-of-carriageway.

Subject to condition(s) it is considered the proposed carspace does not warrant further amendments or refusal.

- Access to the site and damage to common driveway.

The submissions raised concern regarding the potential damage to the common driveway and landscaping while also concern being raised relating to access for all residents during the construction whilst also making reference to a dilapidation report.

Comment:

In summary, this matter involves a private common driveway, with an existing legal mechanism in place in the form of a right of way and restriction of the use, to manage this issue relating to potential damage to the common driveway and access for all residents.

It is concluded, Council may add conditions to ensure reasonable assess is maintained.

In relation to a dilapidation report 'prescribed conditions' are included in the recommendation of this report which relate to excavation works that extends below the level of the base of the footings of a building.

As conditioned, It is concluded that this issue has been adequately addressed and does not warrant refusal of the application.

- Trees

The submissions raised concern regarding efforts being made to maintain the trees and shrubs within the vicinity of the subject site.

Comment:

The Fig Tree is proposed to be removed as part of the proposal as it is sited within the boundary of No.12c Brighton Street. Furthermore, the proposal was referred to the Council's Landscape Assessment Officer who assessed the proposal and raised no objection to the proposal subject to conditions.

As conditioned, it is considered that this issue has been adequately addressed and does not warrant refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	The application was referred to council's Development Engineer team for assessment and no objection to the development subject to conditions as recommended.
Landscape Officer	<p><u>17/11/2017</u></p> <p>Tree protection condition amended. AP</p> <p><u>Comment</u></p> <p>The site contains a significant rock outcrop at the rear of the site, described in the Geotechnical Report as approximately 3 - 4 metres high.</p> <p>The proposed works are indicated to be undertaken close to, but clear of the rock. Some minor works are likely to support footings for balustrades and rear deck, however providing they are minimised no objections are raised.</p> <p>A <i>Ficus</i> sp.(Fig) tree is growing within and around the western side of the rock, adjacent to the dwelling. SEE indicates that the tree is to be retained, however it is evident that works will be undertaken to remove the tree and that a significant amount of pruning is required to provide clearances to the dwelling.</p> <p>The tree is noted to be located less than 2 metres from the existing dwelling, which renders it ineligible for approval to remove under Clause E1 of WDCP.</p> <p>Retention of the tree during works is supported if possible, however as the tree is exempt, no objection to removal.</p>



Internal Referral Body	Comments
	<p data-bbox="306 427 1118 461">No objections to approval subject to conditions as recommended.</p> <div data-bbox="306 501 1129 1505">A photograph showing a large, light-colored rock outcrop with a large tree growing on top. A white building with a blue roof is visible on the left, and a grey water tank is in the foreground.</div> <div data-bbox="312 1509 1155 2069">A close-up photograph of a large, dark, textured rock outcrop.</div> <p data-bbox="306 2078 932 2112">Photo 1. Rock Outcrop and Tree at rear of the site</p> <p data-bbox="1334 2078 1468 2112">Photo 2. Di</p>

Internal Referral Body	Comments
	rock outcrop at the rear of the site

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A277001 dated 29 March 2017).

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environment Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6.7m	No encroachment	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.2 up to 5.9m	-	Yes

B3 Side Boundary Envelope	East - 5.0m	Within Envelope	-	Yes
	West - 5.0m	Minor Encroachment	-	Yes (Exception)
B5 Side Boundary Setbacks	North - 0.9m	Existing Dwelling - 0.7m up to 0.8m	up to 22.3% (0.2m)	No* (Existing - no change)
	East - 0.9m	Proposed Upper Level - 0.7m up to 0.8m	up to 22.3% (0.2m)	No*
		Existing Dwelling - 4.5m up to 4.7	-	Yes
		Proposed Upper Level - 4.5m up to 4.7m	-	Yes
		Proposed Upper level Deck - 0.5m up to 3.9m	up to 44.4% (0.4m)	No*
	West - 0.9m	Existing Dwelling - 2.5m up to 3.0m	-	Yes
		Proposed Upper Level - 1.5m up to 2.0m	-	Yes
		Proposed Upper Level Deck - 1.5m up to 2.0m	-	Yes
B9 Rear Boundary Setbacks	6.0m	Existing Dwelling - 6.0m up to 6.1m	-	Yes
		Proposed Upper Level - 6.0m up to 6.1m	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40.0% (97.2m ²)	40.0% (97.2m ²)		Yes (Excludes access handle and right of carriage way)

* Refer to detailed merit assessment for the Built Form Controls within this report.

Note - It is noted that the subject site is a battle-axe block and it is considered the North, East and West elevations to be side boundaries.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	No	Yes
C6 Building over or adjacent to Constructed Council Drainage	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Easements		
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The proposal involves the construction of an upper level with the proposed first floor addition encroaching the side setback at the north and a portion of the deck encroaching the side setback at the east. The proposed first floor at the north elevation has a 0.8m setback which represents a variation of 11.1% (0.1m). The elevated deck on the eastern elevation encroaches the side setback with a 0.5m setback from the northern boundary, which represents a variation of 44.4% (0.4m).

The control requires a minimum setback of 0.9m.

Merit consideration

The subject site is from a previous subdivision resulting in a lot size of 384m², in this regard the lot size is lesser than the surrounding allotments and required allotment size under the current planning controls. The site demonstrates unique constraints including the scale of surrounding developments from adjoining boundaries and the narrow lot width. The proposed development complies with the setbacks to the south and west and private open space requirements of the Warringah Development Control Plan 2011 (WDCP

2011).

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

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

Comment:

The proposed Landscape Open Space (LOS) on site is calculated at 40% (97.0m²) (this amount excludes the access handle and right of carriage way) and is consistent with the relevant requirements under the WDCP 2011 - D1 Landscape Open Space and Bushland Setting. It is concluded, the calculated LOS on site will allow for ample opportunities for deep soil landscape areas on the site.

The proposal satisfies this objective.

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

Comment:

The subject site is a battle-axe block located 42m from the front boundary with intervening dwelling houses located between the street frontage and proposed development. The subject site is below the required block size under the current Warringah Local Environment Plan (WLEP 2011) and thus, resulting in constraints on the existing dwelling and design of the proposed upper level. The proposed development integrates with the existing dwelling house and obtains a compliant rear setback and side setbacks to the south and west with a minor encroachment to the east from the proposed elevated deck. Further, it is noted that the boundary fence and additional screening including established vegetation along the north and eastern boundaries mitigate any visual dominance when viewed from adjoining properties. It is concluded, the proposal will not result in any unreasonable visual dominance when viewed from adjoining properties.

The proposal satisfies this objective

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

Comment:

The site demonstrates unique constraints including the scale of surrounding developments from adjoining boundaries and the narrow lot width of the subject site. The proposed development is designed to integrate with the existing dwelling house and complies with the LOS and private open space requirements under the WDCP 2011. Further it is noted that the boundary fence and additional privacy screening including the established vegetation along the boundaries will further mitigate any bulk and scale. It is concluded, the dimensions of the landscape open space areas are sufficient in enabling the planting of trees, shrubs and grass, in particular, along the side and rear boundaries to mitigate any bulk and scale of the upper level when viewed from adjoining properties.

The proposal satisfies this objective

- *To provide adequate separation between buildings to ensure a reasonable level of privacy,*

amenity and solar access is maintained.

Comment:

The proposed development acquires greater than required side boundary setback to the west with a minor encroachment at the east elevation involving a portion of the proposed elevated deck. The extent of these setbacks reasonably allow for the planting and establishment of screen planting to a mature height which will mitigate any opportunities for overlooking caused by the architecture of surrounding development. Further it is noted, direct and close overlooking into the adjoining properties is prevented by adequate spatial separation between buildings and the design of the proposal. The spatial separation between the subject site and the adjoining dwellings exceed 9m and thus, ensuring a reasonable level of privacy, amenity and solar access to be maintained. Further it is noted, the established landscaping along the boundaries of the subject site will further ensure a reasonable level of amenity to the adjoining properties.

It is concluded, the proposed stair well window on the north elevation and the elevated deck to the east and west may result in an unreasonable amenity impact to the private open space to the adjoining properties and thus, a condition has been included in the recommendation of this report. As conditioned it is considered the proposal meets the requirements under the WDCP 2011 - D8 Privacy.

As conditioned, the proposal satisfies this objective

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

Comment:

The subject site is a battle-axe block located 42m from the front boundary with intervening dwelling houses located between the street frontage and proposed development and thus, will not cause any unreasonable view loss from adjoining properties. The proposal will provide a reasonable sharing of views to and from public and private properties.

The proposal satisfies this objective

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

C2 Traffic, Access and Safety

The application was referred to council's Development Engineer team for assessment and no objections were raised to the development subject to conditions as recommended.

C3 Parking Facilities

Description of non-compliance

The proposal is for One (1) carspace at the rear of the site. The proposal is not consistent with the relevant objectives for car parking under the WDCP 2011 - Appendix 1 involving two (2) off street car parking.

Merit consideration

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

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Dwelling House	2 spaces per dwelling	2	1	1

The site is a battle-axe block and currently provides one (1) off street car space located in the site boundary partially within the right of carriageway. The proposal will provide one (1) off street car parking wholly within the subject site with no impingement on the right of carriageway.

The proposal does not achieve compliance with the car parking requirements under Appendix 1 of the Warringah Development Control Plan 2011. It is concluded, the subject site is below the required block size under the current Warringah Local Environment Plan (WLEP 2011) as a result of a previous Dual Occupancy subdivision. The previous approved Dual Occupancy Subdivision results in constraints on the site involving car parking.

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

Comment:

The site is a battle-axe block with vehicle access via an access handle located on the western boundary of the subject site. The proposed single car space is located at the rear of the site, at ground level, adjacent to the existing dwelling house and does not involve a structure and thus, it is concluded, the proposed car space will not cause any unreasonable visual impact on the street frontage or other public places.

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

Comment:

The subject site is a battle-axe block located 42m from the front boundary with intervening dwelling houses located between the street frontage and proposed development. The proposal involves car space allocation for a single car space on the existing grass area located at the rear of the site and does not involve the construction of a structure. Further, it is noted that the boundary fence and additional screening including established vegetation along the boundaries of

the subject site will mitigate any visual dominance when viewed from adjoining properties.

It is concluded, the proposal will not result in any unreasonable visual dominance when viewed from adjoining properties

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

C5 Erosion and Sedimentation

Erosion and sedimentation measures were not provided with the application. A condition has been added to the consent requesting measures used for erosion and sediment control on building sites to be installed, adequately maintained at all times and installed in accordance with Council's Specifications for Erosion and Sediment Control. Details demonstrating compliance are to be provided to the Certifying Authority.

C9 Waste Management

A detailed Waste Management Plan was not provided with the application. To ensure proper disposal of demolition and builders' waste, a condition has been included in the consent requiring a Waste Management Plan for the development that addresses Clause C8 and C9 of the Warringah DCP. This is to be provided to the Certifying Authority prior to the release of the Construction Certificate.

D8 Privacy

Merit consideration

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

A site inspection and a detailed assessment of privacy was conducted on the North, South and West elevation from the proposed development at No.12C Brighton Street.

North Elevation

An assessment on privacy into the private open space to the adjoining properties was considered. Concern was raised that the proposed stair well window on the north elevation will result in an unreasonable amenity impact to the private open space to the adjoining property and thus, a condition has been included in the recommendation of this report. As conditioned, the proposed stairwell window will allow for a reasonable sense of privacy into the private open space of adjoining property to the north.

W4 & W7 windows adjoin the lower and upper level bathrooms which are considered low impact rooms. W4 windows obtains a floor to sill height of 1.7m and W9 having a floor to sill height of 1.7m and thus, meet the requirements of the WDCP 2011 - Privacy ensuring a high level of visual privacy for the occupants and the adjoining property to the north of the subject site.

West Elevation

W2 and W3 window to the west adjoin a dining room and study at ground level whilst D3 and D4 doors

adjoin a bedroom and leisure area at the upper level. The windows and doors on the western elevation orientate towards the right of carriage way and car parking facilities to the adjacent properties. The windows of the adjacent property to the north west provide adequate spatial separation (greater than 9m) between the subject site and the adjoining properties and thus, will not impact the amenity to the adjoining properties.

South Elevation

W1 window and D1 door to the south adjoin a kitchen and dining room at ground level. The dining area and kitchen orientate to the private open space area of the subject site. The spatial separation between D1 door and W1 window to the adjoining property to the south is greater than 9m and thus, limiting direct and close overlooking to the adjoining property. Further more it is noted the intervening dividing fence and established landscaping at the south elevation will further ensure a reasonable level of amenity is maintained to the adjoining property.

Decking

A number of site inspections and an assessment on the impact upon the level of privacy to the adjoining properties from the proposed elevated deck on the East and West elevation was considered.

This matter has been addressed by appropriate conditions of consent included in the recommendation of this report.

A condition has been included in the recommendation of this report requiring the eastern elevated deck to include the installation of a privacy screen along the south and north elevation and to include the installation of a privacy screen along the southern elevation of the western deck. The installation of the privacy screens will reduce the amenity impact on the adjoining properties to the south and north of the subject site.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 246,280		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,340
Section 94A Planning and Administration	0.05%	\$ 123
Total	1%	\$ 2,463

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0674 for Alterations and additions to a dwelling house on land at Lot 52 DP 841102, 12 C Brighton Street, FRESHWATER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A101 - Revision 5	12 October, 2017	Wave Architecture
A102 - Revision 5	12 October, 2017	Wave Architecture
A103 - Revision 5	12 October, 2017	Wave Architecture
A104 - Revision 5	12 October, 2017	Wave Architecture
A105 - Revision 5	12 October, 2017	Wave Architecture
A106 - Revision 5	12 October, 2017	Wave Architecture
A107 - Revision 5	12 October, 2017	Wave Architecture
A108 - Revision 5	12 October, 2017	Wave Architecture
A109 - Revision 5	12 October, 2017	Wave Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary Landslip Risk Assessment	7 July 2017	Crozier Geotechnical Consultants

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

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

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

Waste Management Plan		
Drawing No.	Dated	Prepared By
A110 - Revision 5	12 October, 2017	Wave Architecture

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

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

2. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The first floor level staircase window on the northern elevation, marked as W6 window on the approved plans, is to have obscured glazing.
- The boundary fence on the south elevation marked as 'New Fence' and the fence and gate on the south west elevation marked 'New fence' on the approved plans, are to be deleted, as to not impinge on the right of carriage way.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

3. **Prescribed Conditions**

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

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

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

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

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

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

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

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

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

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy

rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

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

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

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

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

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

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

Note: Systems can be registered at www.warringah.nsw.gov.au

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

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

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

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

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

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

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Council Section 94A Development Contribution Plan

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

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 246,279.70		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,339.66
Section 94A Planning and Administration	0.05%	\$ 123.14

Total	1%	\$ 2,462.80
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The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

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

6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. **Off Street Parking Facility**

The proposed car space gradients, levels, internal dimensions are to comply with AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking.

Vehicle manoeuvrability into and out of the proposed car space must be designed using the 85th percentile vehicle turning swept path in accordance with appendix B of AS/NZS 2890.1. Adequate turning area must be provided to allow vehicles to enter and exit the property in the forward direction.

All structures associated with the proposed car space including any gates must not encroach onto the existing Right-of-carriageway.

A suitably experienced and qualified civil engineer is to certify that the proposed car space and associated structures comply with all requirements of this condition.

Reason: To ensure suitable vehicular access to private property. (DACENCPC1)

8. **Tree protection and pruning**

(a) Existing trees which must be retained

All trees outside of the area of approved works, unless exempt or noxious in the relevant planning instruments

(b) Tree protection and pruning

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures. .
- iv) All tree protection measures, including fencing, are to be in place prior to commencement of works
- v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy
- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

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

9. **Compliance with Standards**

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

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

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

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

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

(o) AS1668 The use of mechanical ventilation

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

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

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

10. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

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

11. **Privacy Screen**

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for the entire length of the outermost northern and southern edge of the eastern deck located off the bathroom and bedroom and for the entire length of the outermost southern edge of the western deck located off the bedroom as shown on the approved plans. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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).

12. **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)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Maintenance of Road Reserve**

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

Reason: Public Safety. (DACENE09)

14. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

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

15. 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. (DACLAEO3)

16. Protection of rock and sites of significance

- a) All rock outcrops outside of and below the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Installation of approved structures (such as deck and balustrade) over the rock
- c) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

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)

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

18. Stormwater Disposal

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

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

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

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

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

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

Reason: To ensure bushland management. (DACPLF01)

20. Waste Management Confirmation

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

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

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

21. Loading Within The Site

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

22. Right of Way

The Right of Way is to remain unobstructed at all times.

To preserve local amenity. (DACPLGOG1)

In signing this report, I declare that I do not have a Conflict of Interest.


Signed

Ramona Smith, Planner

The application is determined under the delegated authority of:

Phil Lane, Acting Development Assessment Manager

ATTACHMENT A









Notification Plan	Title	Date
 2017/227700	Plans - Notification	12/07/2017




ATTACHMENT B

Notification Document	Title	Date
 2017/302813	Notification Map	23/08/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/228118	Diagram - Sewerage Service	21/02/2017
 2017/228125	Report - Sydney Water	21/02/2017
 2017/228111	Section 149 Notes	21/03/2017
 2017/227704	Report - BASIX Certificate	02/04/2017
 2017/228130	Report - Structural Engineer Certificate	02/05/2017
 2017/228131	Plans - Structural Engineers	02/05/2017
 2017/227699	Plans - Survey	13/05/2017
 2017/228139	Report - Stormwater Design Statement	17/05/2017
 2017/228142	Plan - Stormwater	17/05/2017
 2017/228127	Report - Termite Protection	17/05/2017
 2017/228146	Plan - Waste Management	04/07/2017
 2017/227706	Report - Geotechnical	09/07/2017
 2017/227694	Builders Quote	09/07/2017
 2017/227701	Report - Statement of Environmental Effects	09/07/2017
 DA2017/0674	12C Brighton Street FRESHWATER NSW 2096 - Development Application - Alterations and Additions	10/07/2017
 2017/218976	DA Acknowledgement Letter - Claire Competiello	10/07/2017
 2017/227700	Plans - Notification	12/07/2017
 2017/227687	Development Application Form	12/07/2017
 2017/227688	Applicant Details	12/07/2017
 2017/228149	Plans - Certification of Shadow Diagrams with Plans	12/07/2017
 2017/228154	Plans - Master Set	12/07/2017
 2017/228151	Plans - External	12/07/2017
 2017/228153	Plans - Internal	12/07/2017
 2017/233146	Create Letter and Sign	14/07/2017
 2017/237802	Superceded Notification Letter - 7	18/07/2017
 2017/263411	Online Submission - Dalglish	03/08/2017
 2017/271646	Online Submission - Assouad	06/08/2017
 2017/271734	Online Submission - Tibbett	06/08/2017
 2017/275447	Working Plans	08/08/2017
 2017/278242	Development Engineering Referral Response	09/08/2017
 2017/279002	Online Submission - Bauermeister	09/08/2017
 2017/302813	Notification Map	23/08/2017
 2017/304384	Submission Acknowledgement Letter - Xavier Vincent Marie Assouad - SA2017/271646	23/08/2017
 2017/304538	Submission Acknowledgement Letter - Amanda Jayne Tibbett - SA2017/271734	23/08/2017

	2017/304543	Submission Acknowledgement Letter - Lynda Kristine Bauermeister - SA2017/279002	23/08/2017
	2017/304457	Submission Acknowledgement Letter - Ross Alan Dalglish - SA2017/263411	23/08/2017
	2017/336023	Comments on DA - 12C Brighton Street Freshwater	08/09/2017
	2017/342492	Email - Confirmation Council requirements	08/09/2017
	2017/352158	Email - Amended Plans 1	15/09/2017
	2017/352160	Email - Amended Plans 2	15/09/2017
	2017/352405	Plan - Notification - Revised	19/09/2017
	2017/352407	Plans - Shadow Diagrams - Revised	19/09/2017
	2017/352411	Plans - Master Set - Revised	19/09/2017
	2017/352410	Plans - Internal - Revised	19/09/2017
	2017/352408	Plans - External - Revised	19/09/2017
	2017/359413	Revised - Working Plans	22/09/2017
	2017/360328	Re-Notification Letter - 10	22/09/2017
	2017/368573	Online Submission - Dalglish	27/09/2017
	2017/370482	Submission Acknowledgement Letter - Ross Alan Dalglish - SA2017/368573	28/09/2017
	2017/378783	Online Submission - Dalglish	04/10/2017
	2017/383321	Online Submission - Assouad	06/10/2017
	2017/383792	Submission Acknowledgement Letter - Xavier Vincent Marie Assouad - SA2017/383321	09/10/2017
	2017/383807	Submission Acknowledgement Letter - Ross Alan Dalglish - SA2017/378783	09/10/2017
	2017/389644	Online Submission - Assouad	11/10/2017
	2017/388100	DELETED - Revised - Working Plans	11/10/2017
	2017/391002	Submission Acknowledgement Letter - Xavier Vincent Marie Assouad - SA2017/389644	12/10/2017
	2017/396301	Email - Options on carparking for review.	13/10/2017
	2017/407080	Email- Engineer request to review revised concept Parking Plans	18/10/2017
	2017/416544	Proposed car space - Option 1	25/10/2017
	2017/416552	Proposed car space - Option 2	25/10/2017
	2017/416558	Proposed car space - Option 3	25/10/2017
	2017/426889	Email - Amended Option 1 carparking	30/10/2017
	2017/433088	Development Engineering Referral Response	03/11/2017
	2017/436805	Amended - Proposed Car Space	06/11/2017
	2017/436893	Working Plans	06/11/2017
	2017/441856	Email - Amended Master Plans and supporting documentation	08/11/2017
	2017/463273	Landscape Referral Response	16/11/2017

	2017/464769	Landscape Referral Response	17/11/2017
	2017/465893	Revised - Working Plans	17/11/2017
	2017/471985	Working Plan - Survey	22/11/2017