

3.3 Lot 2506, DP 752038 - Bundaleer Street Belrose – Construction of a New Dwelling with a Three Car Space Garage and Associated Fencing

DEVELOPMENT ASSESSMENT REPORT

Assessment Officer:	Michael Edwards
Address / Property Description:	Lot 2506, DP 752038, Bundaleer Street, BELROSE
Proposed Development:	Construction of a new dwelling with a three car space garage and associated fencing
Development Application No:	DA2009/1024
Application Lodged:	06/08/2009
Plans Reference:	A002 – A004, Revision A, dated August 2009 A101 – A105, Revision A, dated August 2009 A201 – A203, Revision A, dated August 2009 A301 – A304, Revision A, dated August 2009
Amended Plans:	NO
Applicant:	Vigor Master Pty Ltd
Owner:	Pei Long Wu
Locality:	C8 Belrose North
Category:	Category Two (2) ('Housing')
Draft WLEP 2009 Land Zoning:	E3 Environmental Management
Draft WLEP 2009 Permissible or Prohibited Land use:	Permissible
Variations to Controls (Cl.20/Cl.18(3)):	YES – Housing Density
Referred to ADP:	YES
Referred to WDAP:	NO
Land and Environment Court:	NO

SUMMARY

Submissions:	YES – Four (4) submissions (Two (2) generated from one (1) property).
Submission Issues:	Endangered species and removal of vegetation, Appropriateness of boundary fence, Management of stormwater, Consistency with Desired Future Character, Compliance with Built Form Controls, Amenity, Building Bulk, Roofs, Consistency between plans and quality of supporting documentation.
Assessment Issues:	Insufficient information (fencing), location of driveway, potential for archaeological significance, compliance with Built Form Controls (Housing Density), landscaping details.
Recommendation:	Approval – subject to conditions
Attachments:	Site Plan and Elevations

LOCALITY PLAN (not to scale)



Subject Site: Lot 2506, DP 752038, Bundaleer Street, BELROSE.

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to eighteen (18) adjoining land owners and occupiers (notice was sent to last known address) for a period of fourteen (14) calendar days commencing on 12/8/2009 and being finalised on 27/8/2009.

SITE DESCRIPTION

The subject site is identified as Lot 2506 in DP 752038 and is a corner allotment located on the western side of Linden Avenue and the southern side of an unmade section of Bundaleer Street. The subject site is an irregular shaped allotment having a total area of 1.64ha. The site has a frontage of 85.7 metres to the Linden Avenue frontage and 84.09 metres to the Bundaleer Street frontage. The site is a gently sloping allotment having a cross fall of approximately 10m from the south east corner to the north western corner.

The site is currently vacant having previously accommodated a single dwelling house which has subsequently been demolished. The site comprises natural bushland to the rear (west) and a cleared section adjacent to the Linden Avenue and Bundaleer Street frontages.



SITE HISTORY

- 29/8/2000** Refusal of Development Application DA2000/4415 for the construction of a Childcare Centre.
- 5/11/2002** Refusal of Development Application DA2001/0308 for the construction of a Dwelling.
- 4/6/2003** NSW Land and Environment Court granted consent to Development Application DA2001/0308 for the construction of a Dwelling (NSW LEC 1097/2002).
- 11/10/2004** Consent granted to DA2004/0389 for the construction of a dwelling and swimming pool.
- 11/12/2007** Refusal of Development Application DA2007/0520 for the construction of a Self Storage Facility.
- 18/12/2008** Consent granted to Development Application DA2008/1000 for the construction of a two storey dwelling with a three car space garage & boundary fence.

PROPOSED DEVELOPMENT

The application seeks approval for the construction of a two storey dwelling with attached three (3) car garage.

In more detail, the application proposes the following:

- Construction of a vehicle driveway with access from Linden Avenue;
- Construction of a two (2) storey dwelling with attached three (3) car garage; and
- Construction of a 1650mm high wire mesh boundary fence to be erected around the perimeter of the site.

It should be noted that the scope of works proposed under this application is identical to those as approved under DA2008/1000 with the exception of the siting of the dwelling.

Under DA2008/1000, the dwelling was sited in the north-eastern corner of the site. This application proposes the siting of the dwelling towards the south-easternmost corner of the site.

AMENDMENTS TO THE SUBJECT APPLICATION

There are no amendments to the application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979;
- b) Environmental Planning and Assessment Regulations 2000;
- c) State Environmental Planning Policy – Building Sustainability Index (SEPP BSI);
- d) State Environmental Planning Policy – Infrastructure;
- e) State Environmental Planning Policy No. 55 – Remediation of Land;
- f) Warringah Local Environmental Plan 2000;
- g) Warringah Development Control Plan;
- h) Rural Fires Act 1997;
- i) Section 94A Developer Contributions Plan; and
- j) Draft Warringah Local Environmental Plan 2009.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to eighteen (18) adjoining land owners and occupiers (notice was sent to last known address) for a period of fourteen (14) calendar days commencing on 12/8/2009 and being finalised on 27/8/2009.

As a result of the public exhibition process submissions have been received from:

Submission Received:	Address:
Carr, D	Lot 2593 Bundaleer Street, Belrose
Verey, J	Lot 2662 Bundaleet Street, Belrose
Armstrong, M & J	Lot 2410 Linden Avenue, Belrose

Discussion of the relevant issues raised in the submissions received is provided as follows:

i) **Endangered species and removal of vegetation**

- Remnant Duffys Forest vegetation exists within the vicinity of the subject site and the site contains Heathland vegetation that will be impacted by the development;
- The site contains a number of endangered species that frequent the site;
- The siting of the dwelling necessitates the removal of a mature sized tree;

Council's Natural Environment Unit have reviewed the application and have no objections to the proposed development, subject to the imposition of conditions of consent to ensure the appropriate protection of vegetation on the site. It should also be noted that there is no tree removal proposed as part of this application.

Accordingly, this issue does not have determining weight.

ii) **Appropriateness of boundary fence**

- The proposed wire mesh fence will require drilling into significant rock outcrops for the erection of the fence posts;
- The boundary fencing is not suitable to the setting of the area;
- Boundary fencing will prohibit fauna species from moving across the site;
- No details have been submitted as to the height of the proposed fence;
- The proposed masonry fence at the entry to the site is inconsistent with the pattern of development in the street.

Council's Natural Environment Unit have reviewed the application and have no objections to the proposed development, subject to the imposition of conditions.

The assessment under Clause 51 Front Fences and Walls of the General Principles of Development Control concludes that the proposed boundary fencing is satisfactory. It is also noted that the plans identify the finished height of the mesh fence, however do not specify the height of the masonry fence. A condition of consent is recommended in this regard to delete the masonry fence.

Accordingly, this issue does not have determining weight.



iii) Management of Stormwater

- The management of stormwater has not been addressed in the application. Currently, stormwater floods onto adjoining land and will continue to be an issue unless specific plans are proposed for its disposal.

Council's Development Engineers have reviewed the application and raise no objections to the proposed development, subject to conditions of consent.

Accordingly, this issue does not have determining weight.

iv) Consistency with Desired Future Character

- The dwelling height is out of character with surrounding residences which are all single storey, resulting in a sense of dominance;
- The two (2) storey dwelling will destroy the ambience for long-term residents;

The assessment against the Desired Future Character statement concludes that the proposed development is satisfactory with regards to providing a consistent land use and pattern of development.

Accordingly, this issue does not have determining weight.

v) Compliance with Built Form Controls

- The proposed dwelling is not consistent with the maximum housing density which requires one (1) dwelling per twenty (20) hectares.
- The dwelling provides a finished height that exceeds the height limit at the north-eastern corner of the dwelling;
- The proposed side setback of 15m on such a large site is not in the interest of the adjoining property owners.

The Built Form Controls table of this report demonstrates the numerical compliance of the proposed building when tested against the relevant Built Form Controls (Development Standards).

It is noted that a variation to the Housing Density Built Form Control was supported under the previous DA (DA2008/1000).

Accordingly, this issue does not have determining weight.

vi) Amenity

- The siting of the proposed dwelling does not allow for view sharing of the Bare Creek Valley and hills beyond;
- The dwelling will result in opportunities for overlooking to the adjoining dwelling, in particular, the open deck.

The assessment against Clauses 61 Views, 62 Access to Sunlight and 65 Privacy of the General Principles of Development Control, conclude that there is no unreasonable impact to neighbouring amenity and the proposal is acceptable in this regard.

Accordingly, this issue does not have determining weight.



vii) Building Bulk

- The siting of the dwelling does not provide sufficient areas to obscure the site when viewed from the street;
- The bulk of the dwelling is not consistent with the adjoining structures.

The proposed dwelling provides a finished height that complies with the numerical development standard. The dwelling provides adequate articulation through the use of windows and varying setbacks. The assessment against Clause 66 Building Bulk of the General Principles of Development Control concludes that the building bulk is satisfactory.

Accordingly, this issue does not have determining weight.

viii) Roofs

- The roof form does not complement the local skyline with regards to the low pitch and its proximity to the street. Insofar as when the dwelling is viewed from afar, the roof will present as a flat roof.

The assessment against Clause 67 Roofs of the General Principles of Development Control, concludes that the proposed roof form is satisfactory.

Accordingly, this issue does not have determining weight.

ix) Consistency between plans and quality of supporting documentation

- The extent of the roof over the porch on the site plan is not consistent with the elevations insofar as the roof pitch is different;
- The internal layout of the dwelling does not match up with the location of windows;
- The Bushfire Protection Assessment has not been prepared by a qualified consultant;
- The Statement of Environmental Effects provides conflicting statements to what is shown on the Architectural plans.

The application, including the supporting documentation was referred to the NSW Rural Fire Service for comments. No objections were raised in relation to the proposed works, subject to the imposition of conditions.

A review of the architectural plans indicates that the internal configuration of the dwelling corresponds appropriately with the positioning of windows.

The Statement of Environmental Effects contains a number of erroneous statements. Notwithstanding, it should be noted that this is supporting documentation only and is independent to the merit and numerical assessment of the application and will not form part of any approval.

Accordingly, this issue does not have determining weight.

MEDIATION

Has mediation been requested by the objectors?

No



REFERRALS

A summary of the relevant comments is provided as follows:

External Referrals

NSW Rural Fire Service

The NSW Rural Fire Service raised no objections to the proposed development subject to the imposition of conditions of consent to ensure the implementation of appropriate bushfire protection measures.

Aboriginal Heritage Office

The Aboriginal Heritage Office have indicated that there are known Aboriginal sites in the Belrose Area. It is considered that there is a high potential for Aboriginal heritage in the proposed development site. In this regard, the Aboriginal Heritage Office have recommended that an Aboriginal Heritage Assessment be made prior to any development.

Accordingly, the applicant has submitted an Aboriginal Heritage Assessment report, prepared by the Metropolitan Local Aboriginal Land Council (MLALC) dated 20/11/2009. That report concludes that there are no signs of Aboriginal relics, engravings or art within the proposed development footprint of the subject site and approval should be subject to the requirement that should works uncover any relics or artefacts, that all work cease and the MLALC and DECC be notified. A condition of consent is imposed in this regard.

Internal Referrals

Landscape Assessment

Council's Landscape Officer raised no objections to the proposed development, subject to the relocation of the driveway to ensure the protection of trees. Conditions of consent were provided in this regard.

Natural Environment Unit

Council's Natural Environment Unit raised no objections to the proposed development, subject to the conditions provided and the proposed driveway being relocated so as to ensure retention of the *Eucalyptus racemosa* adjacent to the proposed driveway located within the road verge. Conditions of consent have been imposed in this regard.

Development Engineers

Council's Development Engineers raised no objections to the proposed development, subject to the imposition of conditions of consent. These conditions have been imposed in the draft consent.



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of 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	Refer to discussions on Environmental Planning Instruments as contained in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Refer to discussions on Draft Environmental Planning Instruments as contained in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan is applicable to this application and the relevant provisions are considered in this report.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	Pursuant to Clause 54 and 109 of the EPA Regulations 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. Clause 98 of the EPA Regulations 2000 requires the consent authority to impose a condition requiring compliance with the Building Code of Australia. Accordingly, appropriate conditions of consent are recommended for imposition should this application be recommended for approval.
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	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The proposed development is sited within an established semi rural and residential locality, and proposes a land use that is consistent with the locality. The proposed development's numerical and merit compliance with the Built Form Controls, consistency with the Desired Future Character and General Principles of Development Control, demonstrates the suitability of the site for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	In regards to public submissions refer to the discussion on "Notification & Submissions" as contained within this report. The issues raised do not warrant refusal of the application.
Section 79C (1) (e) – the public interest	The wider public interest is served by ensuring the proposed development complies with the planning controls under WLEP 2000 and the bushfire planning requirements and the continued maintenance of the site, and its ability to provide an appropriate land use within this locality.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling House
Land Use Zone: E3 Environmental Management
Permissible or Prohibited: Permissible

Principal Development Standards:

Development Standard	Required	Proposed	Complies
Minimum Subdivision Lot Size:	1 dwelling per 20ha	No alteration to existing allotment	YES
Height of Buildings:	8.5m	7.8	YES

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

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 consistently used for residential purposes for a significant period of time. There is no evidence to indicate that the land is contaminated and as such, no further consideration under Clause 7(1)(b) and (c) of SEPP 55 is required. Therefore the land is suitable for the continued residential use.

State Environmental Planning Policy – Building Sustainability Index (SEPP BSI)

In accordance with Schedule 1 of the Regulations and SEPP BSI a BASIX Report was submitted in support of the application demonstrating that the proposed scheme achieves the minimum water, thermal and energy targets. In this regard, the subject application is considered to satisfy the provisions of the Regulations and the SEPP BSI.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

Regional Environmental Planning Policies

There are no Regional Environmental Planning Policies applicable to this application.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character

The subject site is located in the C8 Belrose North Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

'The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.

A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Middle Harbour.'

The proposed development is defined as 'housing' according to the WLEP 2000 Dictionary. 'Housing' is classified as Category Two (2) development in this locality.

Clause 12(3)(b) of WLEP 2000 states that before granting consent for development classified as Category Two (2), the Consent Authority must be satisfied that the development is consistent with the Desired Future Character described in the relevant Locality Statement.

Also, as the proposed works involve variations to the Built Form Controls (Housing Density), Clause 20 of WLEP 2000 it is a requirement the proposal to be consistent with the Desired Future Character (DFC) Statement.

Accordingly, an analysis of the various relevant components of the Desired Future Character of the C8 Belrose North Locality is as follows:

Requirement 1: *The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.*

Consistency: The proposed development maintains a land use consistent with the Belrose North locality.

Requirement 2: *The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*

Consistency: The subject site has been subject to previous land vegetation clearing in accordance with Development Consent DA2004/0389. While the site has been undergoing natural vegetation regrowth, the footprint of the proposed dwelling is located in a position that is cleared land. It is noted that the existing significant trees are to be retained as part of the proposed development. The imposition of conditions of consent will also ensure the protection of the retained vegetation. Conditions of consent will also ensure the colours and finishes of the building utilise natural earthy tones to blend with the colours and textures of the natural landscape.

Requirement 3: *Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.*

Consistency: The proposed development comprises a detached style dwelling which is consistent with the surrounding established pattern of development notwithstanding it is of significantly larger size and scale.

Requirement 4: A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.

Consistency: Not applicable.

Requirement 5: Development in the locality will not create siltation or pollution of Middle Harbour.

Consistency: The site will not create siltation or pollution of Middle Harbour.

The assessment above demonstrates that the proposed development is consistent with the Desired Future Character Statement.

Built Form Controls for Locality C8 Belrose North

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed	Compliance Comment	Compliance
Building Height Metres	8.5m	7.8m.	Complies	YES
Building Height: Natural ground to upper ceiling (metres)	7.2m	6.7m.	Complies	YES
Front Setback	6.5m	Bundaleer Street (Primary frontage) Minimum 49.5m. Maximum 51.9m. Linden Avenue (Secondary Frontage) Minimum 20.0m Maximum 22.0m	Complies	YES
Housing Density	1/20ha	No alteration to existing allotment size. 1/1.64ha	See assessment for variation under Clause 20 of WLEP 2000. (Concurrence of the Director of Planning required)	NO
Landscaped Open Space	40% of site	89.6%, 14,689.5sqm.	Complies	YES
Rear Setback	6.0m	Not applicable as the site is identified as a corner allotment.	Not applicable.	Not applicable
Side Boundary Envelope	4m / 45 degrees.	No breach at location of proposed works.	Complies	YES
Side Setbacks	10.0m.	Southern 15.0m North-western 66.0m	Complies	YES
Bushland Setting	50% of the site to be natural bushland or landscaped	89.6%, 14,689.5sqm is set aside as landscaped open space which comprises natural bushland vegetation.	Complies	YES

Clause 20 – Variation to Built Form Controls

Does the Proposal Qualify for a Clause 20 Variation?

In determining whether the proposal qualifies for a Clause 20 variation under WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is consistent with the General Principles of Development Control.

Therefore, the proposal in its current form qualifies for consideration to vary these development standards (Refer to table below for a detailed assessment of compliance with the General Principles).

(ii) Desired Future Character of the Locality

The subject site is located within the C8 Belrose North Locality, which is characterised by a mix of residential uses combined with retail plant nurseries and schools. The proposal is considered consistent with the Desired Future Character of this precinct due to it being a detached dwelling-house in a natural landscape setting, which is consistent with the surrounding locality, a built form consistent with the established pattern of development and a generous landscaped setting. As such, the proposal satisfies this component of Clause 20. (Refer to previous discussion on consistency with DFC).

(iii) Relevant State Environmental Planning Policies

The provisions of the relevant State Environmental Planning Policies have been considered in the assessment of the application and considered satisfactory. Accordingly, the proposal satisfies this criterion of Clause 20.

Description of variations sought and reasons provided:

Housing Density

Required: 1 dwelling per 20 hectares.

Proposed: 1 dwelling per 1.64 hectares. It should be noted that there is no alteration to the existing allotment size or configuration.

Response: The non-compliance is the result of an existing lawfully created allotment, independent of the scope of the proposed works.

The housing density standard for the C8 Belrose North Locality specifies a maximum housing density standard of 1 dwelling per 20 hectares of site area and does not include the area of any access corridor.

The C8 Belrose North Locality Statement under WLEP 2000 allows for exceptions to the Housing Density standard (Built Form Control) where:

'a) this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 hectares;....

However, consent may be granted for development that will contravene these housing density standards but, if by more than 10 per cent, only with the concurrence of the Director.'

A variation to the housing density standard has been consistently applied and most recently, the approval granted by the NSWLEC on 4 June 2003 for the erection of a dwelling on the subject site (DA2001/0308 and Appeal No.10987 of 2002). The Court found that the development was consistent with the Desired Future Character statement and satisfied the requirements of Clause 20.

In light of the above and with regards to the subject development proposal, the subject site is a lawfully created allotment in private ownership. There is no alteration to the existing allotment size or configuration and it is considered that the erection of a single detached dwelling house would maintain consistency with the established visual pattern of development. It is also noted that the dwelling provides numerical compliance with the Built Form Controls with the exception of the Housing Density standard.

Furthermore, it is noted that the Director General has previously concurred with the variation to the housing density standard under DA2008/1000.

Accordingly, given that the variation to the housing density standard exceeds 10%, the concurrence of the Director General should be sought in this regard.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	<p>This General Principle seeks to ensure that development does not result in excessive glare and solar reflections.</p> <ul style="list-style-type: none"> Conditions of consent will ensure that the roof finish be within the medium to dark colour range to reduce any likelihood of glare overspill from the proposed metal sheet cladding to the roof elements. <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES, subject to conditions
CL42 Construction Sites	YES	<ul style="list-style-type: none"> Conditions of consent would adequately address the construction requirements associated with the building works proposed on the site. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions.
CL48 Potentially Contaminated Land	YES	<ul style="list-style-type: none"> The site has historically been used for residential purposes. Based on both a site inspection and desktop investigation into the site's land use history and upon the basis of information available to Council at the time of assessment, there is no evidence to suggest that the site is contaminated. <p>Accordingly, no further consideration of the merit of the proposal is required.</p>	YES
CL50 Safety & Security	YES	<p>This General Principle seeks to ensure that development maintains and where possible, enhances the safety and security of the locality.</p> <ul style="list-style-type: none"> The dwelling orientates windows and doors to face the street-front elevation, allowing opportunity for passive casual surveillance. A 1650mm high chain mesh perimeter fence is proposed which allows transparency and maintains visibility to the front entry of the dwelling, together with providing security to the occupants. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES

General Principles	Applies	Comments	Complies
CL51 Front Fences and Walls	YES	<ul style="list-style-type: none"> • A 1650mm high chain mesh fence is proposed as a boundary fence for the entire perimeter of the site. At the location of the driveway, the application proposes a masonry fence, however no details have been provided to indicate the treatment or design of this portion of the boundary fencing. In this regard, a condition of consent is to be imposed to delete the masonry fence. • Notwithstanding, the 1650mm high chain mesh fence allows for visual transparency and openness and does not dominant the streetscape, subject to the chain wire fence being black PVC coated. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions.
CL54 Provision and Location of Utility Services	YES	<ul style="list-style-type: none"> • The site previously contained a detached residential dwelling with utilities servicing the site, including the supply of water, gas, telecommunications and electricity, and the satisfactory management of sewage and drainage. It is considered that the proposed dwelling will connect to these existing services. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES
CL56 Retaining Unique Environmental Features on Site	YES	<p>This General Principle seeks to ensure that development is responsive to the existing environmental features on the site and on adjoining land.</p> <ul style="list-style-type: none"> • The subject site contains exposed rock outcrops at the rear of the site and pockets of rock outcrops scattered over the site. • The proposed dwelling is located in a position that does not result in any direct or unreasonable impact to the rock outcrops. • The proposed vehicle driveway passes between two significant trees along the Linden Avenue street frontage. A condition of consent is recommended to ensure the driveway is located in a position that will not impact on the trees. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions
CL58 Protection of Existing Flora	YES	<p>This General Principle seeks to ensure that development is sited to minimise the impact on remnant indigenous flora.</p> <ul style="list-style-type: none"> • Council's Landscape Officer has made recommendations regarding the retention of trees and required tree planting to counter the removal of trees. The imposition of conditions will address these recommendations. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions
CL62 Access to sunlight	YES	<p>This General Principle seeks to ensure that development does not unreasonably reduce sunlight to surrounding properties.</p> <ul style="list-style-type: none"> • The dwelling retains a reasonable and equitable level of sunlight to both the subject site and the adjoining properties with no less than 2 hours of sunlight between 9am and 3pm on 21st June. • Given the significant separation between buildings, there will be no impact to the existing solar access to the property adjoining the southern side boundary. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions

General Principles	Applies	Comments	Complies
CL63 Landscaped Open Space	YES	<p>This General Principle seeks to ensure that development provides landscaped open space that contributes to the amenity of the area.</p> <ul style="list-style-type: none"> • The areas identified as landscaped open space are adequate in dimension for the further establishment of landscape plantings that are of a scale and density commensurate with the building height, bulk and scale of the proposed dwelling and contributes to the landscaped setting of the established streetscape. • The site retains sufficient area of existing vegetation to maintain a bushland setting. • The provision of landscaped open space allows for the accommodation of appropriate outdoor recreational needs of the occupants and service functions, including the provision for clothes drying, and allow for the natural infiltration of stormwater. • A condition of consent has been imposed in the draft consent requiring the submission of a detailed landscape plan to ensure the provision of landscape plantings commensurate with the building bulk, height and scale. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions
CL64 Private open space	YES	<p>This General Principle seeks to ensure that residential dwellings are provided with an area of private open space.</p> <ul style="list-style-type: none"> • No formalised area of private open space has been identified. Notwithstanding, the dwelling provides for a balcony at the first floor level and ground floor. The ground floor balcony is afforded direct unobstructed access to the site which provides an area capable of achieving the minimum requirement of 60sqm. • In this regard, the dwelling provides adequate space for service facilities and capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation, and children's play. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES
CL65 Privacy	YES	<p>This General Principle seeks to ensure that the visual privacy within a development and between a development and its neighbours is protected.</p> <ul style="list-style-type: none"> • Given the significant separation between dwellings and combined with the generous landscaped setting with dimensions of a minimum of 15m surrounding the dwelling, there are no opportunities for unreasonable overlooking to the habitable areas or private open spaces of adjoining dwellings. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES
CL66 Building bulk	YES	<p>This General Principle seeks to ensure that development does not dominate the streetscape by virtue of its bulk or is inconsistent with the scale of nearby development.</p> <ul style="list-style-type: none"> • While it is considered that the dwelling could provide a more sympathetic built form with regards to the massing and articulation which would provide greater visual interest, the dwelling provides a built form that is consistent with adjoining buildings and with the pattern of development within the streetscape which comprises a mix of dwelling sizes. 	YES

General Principles	Applies	Comments	Complies
		<ul style="list-style-type: none"> When viewed from the street, the generous landscaped setting and setbacks contribute to a sense of openness which prevents the structure from becoming visually dominating and immediately fronting the streetscape. <p>Accordingly, the proposal satisfies this General Principle.</p>	
CL67 Roofs	YES	<p>This General Principle seeks to ensure that development provides a roof form that complements the local skyline and integrates with the built form of the development.</p> <ul style="list-style-type: none"> The proposed roof form comprises hipped elements with a gabled roof over the front portico. The use of a low pitch of the roof reduces visual bulk and integrates with the architectural design of the dwelling. The imposition of conditions will ensure the roof finish utilises materials with a medium to dark colour range so as to prevent excessive glare and reflections. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions
CL68 Conservation of Energy and Water	YES	<p>This General Principle seeks to ensure that development makes the most effective use of energy and water.</p> <ul style="list-style-type: none"> The imposition of a condition of consent will ensure the commitments made on the BASIX certificate are implemented in the construction of the building works. <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions.
CL70 Site facilities	YES	<ul style="list-style-type: none"> The site contains adequate space for general waste and recycling storage and open air clothes drying facilities which will be suitably screened from the street and is therefore considered acceptable in this regard. <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES
CL71 Parking facilities (visual impact)	YES	<p>This General Principle seeks to ensure that parking facilities are sited and designed so as not to dominate the street frontage.</p> <ul style="list-style-type: none"> The proposed parking facilities are in the form of a three car garage and are integrated into the front facade of the dwelling. When viewed from the street, the parking facilities do not result in any unreasonable visual impact on the streetscape. <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES
CL72 Traffic access & safety	YES	<p>This General Principle seeks to ensure that vehicle movements to and from a development do not interfere with the flow of traffic or compromise pedestrian safety.</p> <ul style="list-style-type: none"> The proposed parking facilities provide direct access to Linden Avenue via the proposed vehicle driveway and provide for a direct line of sight to the streetscape. Councils' Development Engineers raised no objections to the proposed works, subject to conditions of consent which will be imposed. The conditions of consent will ensure the works comply with Councils technical specifications for driveways and vehicle crossings. 	YES, subject to conditions

General Principles	Applies	Comments	Complies
CL72 Traffic access & safety		Accordingly, the proposal is considered to satisfy this General Principle.	
CL74 Provision of Carparking	YES	<ul style="list-style-type: none"> Three (3) car spaces will be provided in the proposed three car garage. <p>Accordingly, the proposed development is considered to satisfy the parking requirements of Schedule 17 of Warringah LEP 2000 and this General Principle.</p>	YES
CL75 Design of Carparking Areas	YES	<p>This General Principal seeks to ensure that carparking is designed to minimise visual impact and provide a safe and efficient environment for both vehicles and pedestrians.</p> <ul style="list-style-type: none"> The proposed three car garage is afforded direct access to Linden Avenue, with a suitable and functional area for vehicle manoeuvring and is of sufficient internal dimensions to accommodate three (3) vehicles. <p>Accordingly, the proposed development satisfies this General Principle.</p>	YES
CL76 Management of Stormwater	YES	<p>This General Principal seeks to ensure that adequate provision is made for the management of stormwater.</p> <ul style="list-style-type: none"> The application has been assessed by Council's Development Engineers and their recommendations incorporated in the consent conditions. (See further discussion under Referrals in this report.) <p>Accordingly, the proposal satisfies this General Principle.</p>	YES, subject to conditions
CL78 Erosion & Sedimentation	YES	<ul style="list-style-type: none"> Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site will be imposed should this application be recommended for approval. <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES, subject to conditions.
CL83 Development of Known or Potential Archaeological Sites	YES	<ul style="list-style-type: none"> The subject site contains a number of exposed and partially exposed rock outcrops. The rock outcrops are predominantly located towards the southern rear corner of the site, however a site inspection revealed the existence of partially exposed rock outcrops throughout the remainder of the site. A visual inspection of the site revealed Aboriginal rock engravings with a potential for further engravings to be exposed during excavation or natural erosion of the low level areas of the site. Accordingly, it is recommended that a condition of consent be imposed requiring an archaeological survey to be undertaken prior to the issue of any Construction Certificate. <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>	YES, subject to conditions



SCHEDULES

A detailed assessment with regard to the provisions of the relevant Schedules of Warringah Local Environmental Plan 2000 is as follows:

Schedule 8 – Site Analysis

A Site Analysis plan was submitted as part of this application and is considered satisfactory in addressing the requirements of this Schedule.

Schedule 17 - Carparking Provision

See assessment under Clause 74 of the General Principles of this report which demonstrates the proposal's ability to satisfy the requirements of this Schedule.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The following table identifies the monetary contributions applicable and a condition of consent imposed accordingly in the Notice of Determination should this application be recommended for approval:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of			\$ 900,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$8,550.00	<i>Rams</i>
S94A Planning and Administration	0.05%	\$450.00	<i>Rams</i>
Total	1.0%	\$9,000.00	

(**Note:** No Section 94 Contributions were paid under DA2008/1000 as no Construction Certificate was issued)

OTHER RELEVANT CLAUSES OF WLEP 2000

There are no other clauses of WLEP 2000 relevant to the assessment of this application.

OTHER MATTERS FOR CONSIDERATION

There are no other matters for consideration that are relevant in the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79(C) of the Environmental Planning and Assessment Act, 1979, the relevant Environmental Planning Instruments including Warringah Local Environmental Plan 2000, State Environmental Planning Policy No.55, State Environmental Planning Policy – Infrastructure, State Environmental Planning Policy – BASIX and the relevant codes and policies of Council.

The proposed development is considered to be consistent with the Desired Future Character of this locality given the proposal constitutes a detached style dwelling house in a natural landscaped setting.

While the proposed development involves a non-compliance with the Housing Density Built Form Control (development standard), in accordance with Clause 20(1) of Warringah Local Environmental Plan 2000, the variation is supported.

The issues raised in the submissions received have been considered and a merit assessment made against the General Principles of Development Control demonstrates that the proposed development is satisfactory. The imposition of conditions of consent will also address the issues raised.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval, subject to concurrence being obtained from the Director General prior to the granting of consent.

RECOMMENDATION

- A) That Development Application No.2009/1024 for the Construction of a new dwelling and associated fencing, at Lot 2506, DP 752038, Bundaleer Street, Belrose, be approved subject to the following conditions; and
- B) That subject to the Application Determination Panel, determining that the application be approved, the application be forwarded to the Director General of Department of Planning to grant concurrence pursuant to the provisions of the C8 Belrose North Locality.
- C) That, subject to concurrence being obtained, pursuant to Section 95(C) of the Environmental Planning Assessment Act 1979, the Council vary the provisions of Section 95(1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A101	8/2009	Vigor Master Pty Ltd
A102	8/2009	Vigor Master Pty Ltd
A201	8/2009	Vigor Master Pty Ltd
A202	8/2009	Vigor Master Pty Ltd
A203	8/2009	Vigor Master Pty Ltd
A301	8/2009	Vigor Master Pty Ltd
A302	8/2009	Vigor Master Pty Ltd
A303	8/2009	Vigor Master Pty Ltd
A304	8/2009	Vigor Master Pty Ltd

Reports / Documentation		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Protection Assessment	30/7/2009	Vigor Master Pty Ltd
Any documentation submitted (and endorsed by Council) to satisfy a Deferred Commencement Condition requirement is to be fully complied with.		

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

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

2. Compliance with External Department, Authority or Service Requirements

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

External Department, Authority or Service name	Letter Reference	Dated
NSW Rural Fire Service	DA2009/1024	26 August 2009

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

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

Reason: Legislative Requirement. (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

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

5. Detailed Landscape Plan

A detailed landscape plan is to be prepared and submitted to the satisfaction of the Certifying Authority.

The landscape plan is to detail landscape plantings between the dwelling and the southern side boundary and Linden Avenue which will achieve a variety of mature heights.

Reason: Amenity of adjoining properties.

6. Section 94A Contributions

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

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of			\$ 900,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$8,550.00	Rams
S94A Planning and Administration	0.05%	\$450.00	Rams
Total	1.0%	\$9,000.00	

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

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

7. Archaeological Survey

An archaeological survey shall be conducted of the site. This survey shall be carried out by an appropriately qualified person (Heritage Planner or Consultant, Archaeologist or the like) and shall identify the likelihood of remains and/or artefacts, whether European or Aboriginal, being present on site.

If this report identifies that such items are likely to be on site, then demolition, earthworks and excavation shall be undertaken under the direct supervision of the Consultant Archaeologist and both Council and the Certifying Authority (if any) involved in the issue of the Construction Certificate shall be informed.

In the event that remnants or artefacts are found during the progression of works on the site, all works are to cease until the full requirements of this condition have been addressed.

Remnants and artefacts discovered during demolition, earthworks or excavation shall be photographed, catalogued by location and description and stored and preserved in an appropriate place.

Disposal of the remnants and artefacts shall only occur in consultation with, and subject to the agreement of Council.

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

Reason: To ensure the proper management of historical artefacts and ensure their heritage preservation. (DACHEC02)

8. Compliance with Standards

The development (where applicable) is to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.

(Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "The good, the bad and the ugly: Design and construction for access". This information is available on The Australian Human Rights Commission website: www.hreoc.gov.au/disability_rights/buildings/good.htm <http://www.hreoc.gov.au/disability_rights/buildings/good.htm>)

- (e) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (f) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted)
- (g) AS 4970 - 2009 'Protection of trees on development sites'

(Note: that the above list 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).



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)

9. External Colours and Materials (Dwellings)

- a) 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.
- b) The colours and finishes of the dwelling shall be of earthy tones in order to blend with the colours and textures of the natural environment.

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 from glazing does not occur as a result of the development. (DACPLC03)

10. Surrender of Consents

The applicant shall surrender to Council Development Consent Nos: DA2001/0308 and DA2008/1000 in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

11. No approval for masonry front fence

No approval is granted for the masonry fence either side of the driveway fronting Linden Avenue.

The plans are to be amended deleting reference to the masonry fence and submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Reason: Compliance with the terms of this consent.

12. Chain wire fencing

The proposed chain-wire fencing shall be black PVC coated.

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

Reason: To ensure the fencing blends with the colours and textures of the natural environment.



13. Bonds

A bond (determined from cost of works) of \$2000 and an inspection fee paid of \$210 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.

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

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

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

14. Stormwater Disposal

Plans indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments, shall be submitted prior to the issue of the Construction Certificate. The plans must indicate the provision of a rainwater tank in accordance with the BASIX certificate. Stormwater shall be conveyed from the site to the existing surface inlet pit on Bundaleer Street.

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

Reason: To ensure appropriate provision for disposal and stormwater management and compliance with the BASIX requirements, arising from the development. (DACENC07)

15. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

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

16. Driveway

Driveway to be redesigned to ensure retention of trees on site and within the Linden Ave road reserve. Details demonstrating compliance are to be provided to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate.

Reason: To ensure the protection of significant trees.

17. Landscaping

All plants used in the landscaping for this development must be grown from local provenance seed and cuttings as per the species list which is available from Council's Natural Environment Unit.

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

Reason: To ensure compliance with Council's Local Habitat Strategy

18. Biodiversity Management Plan

A biodiversity management plan shall be prepared and submitted for the site in accordance with Council's Biodiversity Management Plan Guidelines.

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

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC03)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land.*

20. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAD01)

21. Bushland Protection Fencing

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, a temporary 2m steel mesh fence is to be erected 2m from the outer edge of the silt fence (being on the opposite side of the silt fence from the dwelling) as shown on 'Sediment Control Plan' dated 08/2009 and prepared by Vigor Master Pty Ltd. This fence is to remain in place for the duration of construction work.

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

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction. (DACNED01)



CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

22. 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)

23. Vehicle Crossings

The provision of one vehicle crossing 3.5 metres wide in accordance with Warringah Council Drawing No A4-3330/4 Extra High and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

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

24. Layback Construction

A layback 3.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

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

25. 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)

26. Protection of Trees

All trees which are not listed as exempt or noxious in the Warringah LGA that are not indicated for removal are to be protected.

Reason: Protection of existing environmental infrastructure and community assets. (DACLAE02)

27. 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. (DACLAE03)

28. Tree Pruning

Any tree pruning necessary the approved construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: To ensure protection and longevity of existing trees. (DACLAE04)

29. Weeds

No noxious or environmental weeds, as listed on Warringah Councils website are to be imported on to the site.

Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the Noxious Weeds Act 1993 and the Biodiversity Management Plan and/or Vegetation Management Plan and/or Soil Seedbank Translocation Plan for this development.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure bushland and riparian management. (DACNEE02)



30. **Bushland management during construction**

The procedures, targets and recommendations detailed in the *Biodiversity Management Plan* must be followed in full to ensure that the remaining bushland on the site is conserved and restored in the appropriate manner by appropriately qualified people. The work outlined in this Plan must be started as soon as site works commence.

Compliance with the Biodiversity Management Plan must be certified by a suitably qualified person and the PCA must be provided with compliance certificates in the form of bush regeneration reports each three months. Copies are to be immediately forwarded to Warringah Council.

All silt and sediment fences, silt, rubbish, building debris, straw bales, temporary fences, and other temporary structures are to be removed from site.

Details prepared by a suitably qualified person in writing, demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: Management of bushland (DACNEE07)

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

31. **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)

32. **House / Building Number**

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

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

Reason: Proper identification of buildings. (DACPLF04)

33. **Stormwater Disposal**

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

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

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

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



c) National Plumbing and Drainage Code.)

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

34. Seed and Plant Material Collection, Propagation and Certification

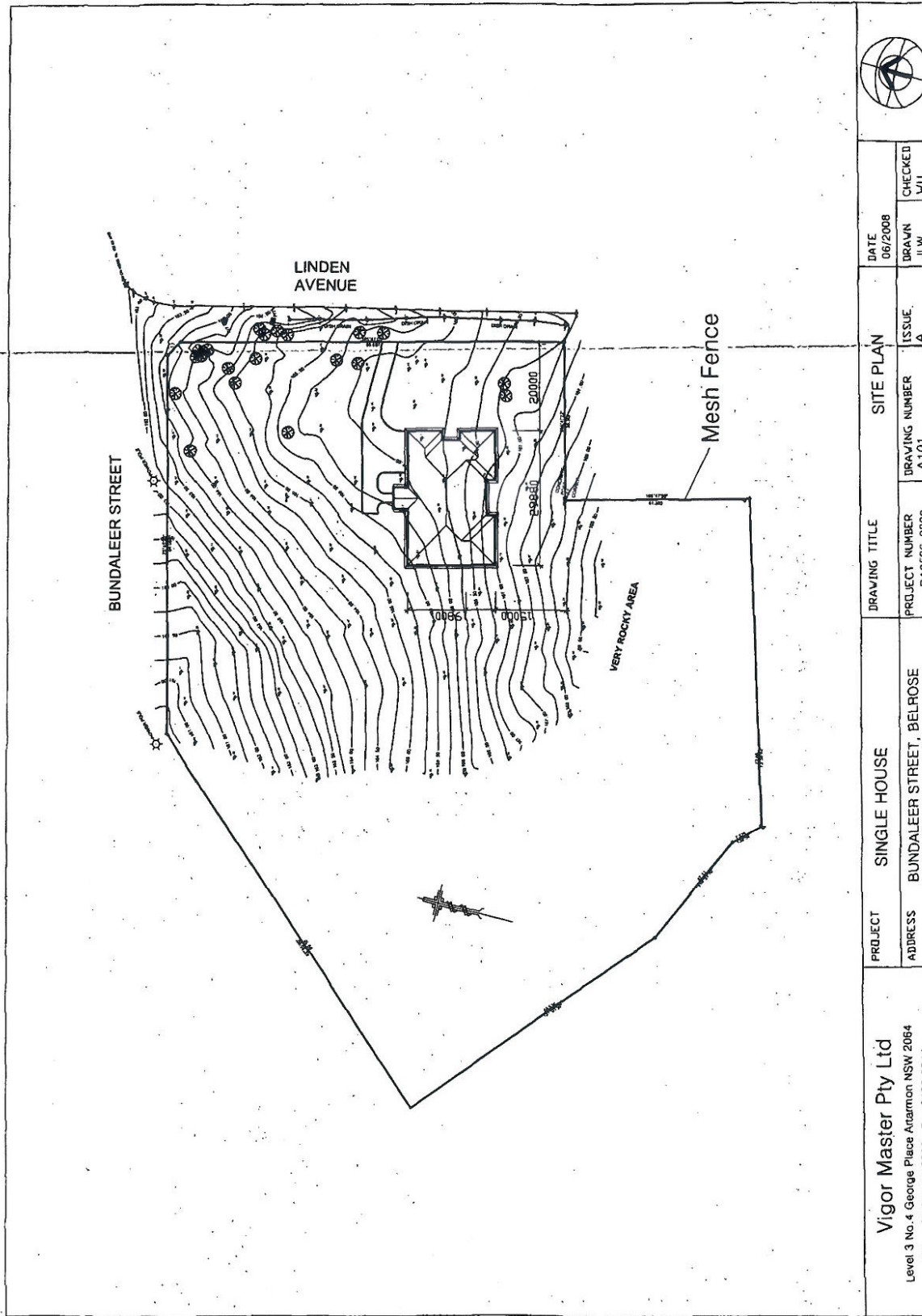
The person responsible for implementing the BIODIVERSITY MANAGEMENT PLAN must certify that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the local botanical provenance.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

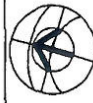
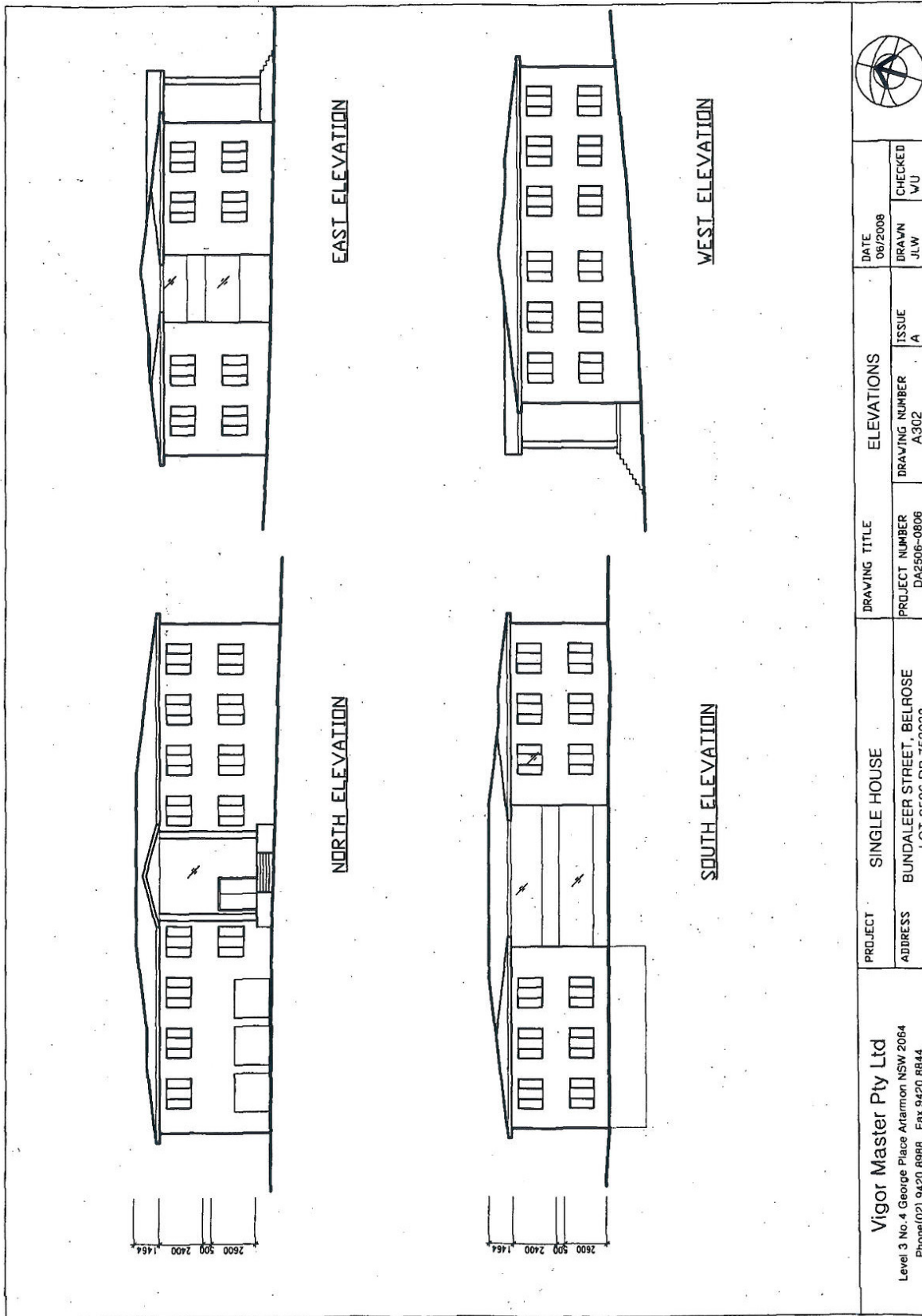
Reason: Environmental Protection, Monitoring and Enhancement (DACNEF04)



Site and Elevation Plans



Site and Elevation Plans



PROJECT SINGLE HOUSE ADDRESS BUNDALEER STREET, BELROSE LOT 2506 DP 752038	DRAWING TITLE ELEVATIONS	DATE 06/2008	CHECKED WU
		PROJECT NUMBER DA2506-0806	DRAWING NUMBER A302
VIGOR MASTER PLY LTD Level 3 No. 4 George Place Ariarmon NSW 2064 Phone(02) 9420 8988 Fax 9420 8844	PROJECT NUMBER DA2506-0806	ISSUE A	DRAWN JILW

