



Report to Development Unit

SUBJECT: N0799/04 - 13 Bruce Street, Warriewood - Demolition of Existing Structures and Construction of New House, Garage and Swimming Pool

Meeting: Development Unit

Date: 17 February 2005

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY: John Raven

APPLICATION SUBMITTED ON: 29 October 2004 (Amended 9.1.05)

APPLICATION SUBMITTED BY: Carol Voss, PO Box 300, Church Point, NSW 2105

OWNER: Ian Walters, PO Box 310, Newport Beach, NSW 2106

1.0 DEVELOPMENT CONTROLS

Zoning 2(a) (Residential "A") , under Pittwater LEP 1993; designated Area 1 under the Dual Occupancy Control, Pittwater 21 DCP, Landslip hazard, OSD, Category 3 habitat

2.0 NOTIFICATIONS

7 property owners notified.

4 submissions received (and 2 to amended plans).

3.0 ISSUES

Resident Issues

- overshadowing, site coverage, setbacks, garage and pool within front setback, impact on Norfolk Pine tree, loss of privacy from northerly orientation, deck setback, loss of (SE) headland view.

Assessment Issues

- Pittwater 21 DCP

Variation to Policy – Yes

4.0 COMPLIANCE TABLE - LOCALITY PLAN AND BUILDING CODE

ITEM	STANDARD	PROPOSED	COMP	PERF
Site Area - 526m ²				
Site Coverage	210.4m ² (40%)	203.84m ² (38.77%)	YES	YES
Boundary Setbacks				
Street	6.5m	Garage- 800mm av.	NO	YES
Rear	6.5m	House - 6.5m 6.5m	YES	YES
Side (N)	2.5m	2.5m	YES	YES
(S)	1m	2.5m	YES	YES
Foreshore	N/A	N/A
Land Slope	30%	19%	N/A	N/A
Height of Building	8.5m.	8.5m.	YES	YES
Roof Reflectivity	Material- Colorbond	Colour-Slate grey	YES	YES
Carparking	2 carspaces	2 car garage	YES	YES
Vehicle access/ manoeuvring		reverse to street	YES	YES
Retaining Walls			YES	YES
Front Fence - Height, setback and landscaping		1m high fence on 1200mm av. Setback	YES	YES
Site Landscaping			YES	YES
Impact on trees, vegetation			YES	YES
Geotechnical Risk Area			YES	YES
Heritage Item			N/A	N/A
Development in vicinity of heritage item.			N/A	N/A
Residential Amenity Impact			YES	YES
Solar Access Code			YES	YES
Character and Design Integration			YES	YES
Access to services			YES	YES
Wave action/Coastal hazard			N/A	N/A
OSD			YES	YES
Flood prone land			N/A	N/A

Compiled by John Raven Date: 1.2.05

5.0 SITE DETAILS

Lot 10, DP 15762, No. 13 Bruce Street, Warriewood. The property is on the low eastern side of the street, backing onto the reserve above Warriewood Beach. The land has a moderate slope towards the rear, falling about 6m. The land is presently occupied by a part single storey/part two storey at rear, hipped gable tile roofed timber and weatherboard cottage on elevated piers. A detached single garage on tall piers (the floor level of which is higher than the front house eaves) is situated at street level in front of the house and immediately behind the front boundary within the front building setback. The foundations of the garage structure are deteriorating to an unsafe condition. The house conforms to the existing front and rear de facto building setbacks, with a narrow southern and larger northern side boundary setback. The existing garage is effectively on a nil front setback. There are several small to medium palm tree species within the front setback and a large Norfolk Pine tree is located in the north eastern corner at the rear of the site. Stormwater presently drains direct to the public foreshore (on site detention for the proposal is to be provided under the swimming pool area), whilst an existing sewer line crosses the public reserve along the rear boundary.

6.0 PROPOSAL IN DETAIL

The proposal is to demolish the existing house and detached garage and to construct a new house, attached garage and swimming pool. It is proposed to provide a new double garage in front of the new house, in the south western half of the street frontage, on a nil setback and entirely within the front building setback.

The front of the house is set behind the 6.5m front setback and has a width similar to the garage and entry but rises slightly higher under a similar gable roof. The house has greater depth than the existing house but is of a similar width and is positioned slightly further north on the site. The southern and northern side boundary setbacks are 1m and 2.5m respectively, with the rear elevation of the building stepped in plan to conform with the 6.5m rear setback to the public reserve. The house comprises three site/floor levels stepping down towards the rear, as follows:

The (lower rear) "ground floor" is at about RL 25.1m and comprises a rumpus room/theatre, laundry, 2 bedrooms and 2 bathrooms. These rooms are in a partial excavation and the outlook is oriented towards the rear (east) with additional "high level" side windows to the rumpus room and one bedroom. The northern side setback is 2.5m and the southern 2.1m (The building has a length of only 7.5m/9.5m respectively at this level and is wholly below the adjoining ground level) .

The north eastern corner of this floor level is within 2.8m of the Norfolk Pine tree and a retaining wall is within 1.2m of the trunk. Whilst endorsed by the applicant's arborist recommendations, this is unacceptable to Council's Consultant Arborist. A 4m minimum clear setback condition (B44) has been imposed to ensure that the tree root zone and canopy is adequately separated from the development. (The development has already been amended to reflect this requirement).

The middle or "first floor" at RL 28.1m is slightly below the level of the garage at RL 29.6m and comprises living, dining, kitchen, entry areas and a covered verandah along the eastern and part of the northern elevations which forward from halfway along the northern side of the house becomes the northern side of the swimming pool with rainwater and detention tanks under, all on a 2.5m northern setback. The extremely linear swimming pool extends forward to the front boundary with a return leg behind the front wall. The wall is to be the maximum allowed 1000mmm in height, surmounted by a 200mm stainless steel handrail.

Except for the projecting kitchen setback of only 800mm (which is not a full storey in impact as the front roof eaves are at adjoining ground level), the southern side of the building generally has a 2.1m side boundary setback at this level, which is well in excess of the required 1m setback.

The top or "second floor" at RL 31.4m comprises a study, ensuite, dressing room and master bedroom opening onto a large open rear verandah at RL 31.3m, incorporating side planter boxes, extending back to the rear setback line. This floor has a northern side setback of 2.5m and southern side setback of 2.1m, which is well in excess of the required 1m setback. There is a 12m long buffer "planting zone" upon the southern edge of the elevated second floor verandah.

Following the results of the public notification which resulted in a number of objections to the design of the building, Council raised a number of issues in its letter dated 18.11.04.

The application has been amended in a number of respects, including addressing the issues of:

1. Height poles, to assess neighbour view loss;
2. Potential overlooking of the property to the north;
3. Proximity of building works to Norfolk Pine tree;
4. Site Coverage exceedance;
5. Swimming pool front boundary setback, as follows:

1. The building height and extent of view loss towards the headland was confirmed by height poles.

2. Additional trellis screens are now proposed along the sides of the rear open verandahs, where they face towards the northern and southern boundaries.

3. The building rear wall, verandahs and the retaining wall have been set back farther from the Norfolk Pine Tree. The rumpus room setback has been increased from 2.8m to 4.1m from the tree and all of the development now complies with a 6.5m rear boundary setback.

4. The error in Site Coverage calculation has been corrected and now fully complies.

5. The swimming pool now complies with a 6.5m front boundary setback and the front wall setback has been increased from 600mm to 1000mm at the northern end and 1m to 1.4m at the southern end. The entry is set back and the garage is set back a further 200mm to 1m at the southern end. The garage width has been reduced by 500mm to 6.5m.

More generally, the southern side setback of the ground floor bathrooms on the lower level has been increased from 1m to 2.5m.

7.0 INTERDEPARTMENTAL COMMENTS

Native Vegetation and Species Impacts

The application is accompanied by a landscaping plan emphasizing native species plantings and an Arboricultural Assessment report from Urban Forestry Australia. Species exempt from the Tree Preservation Order are to be removed and replaced with native species. Council's consultant arborist has raised no objections to the proposal to remove the Canary Island Palm (T1) Umbrella tree (T4) and a Hibiscus (T5) provided these are replaced by two additional medium indigenous trees; concurs with relocation of the Cabbage Tree Palm (T2) to the SW corner of the site (under expert supervision) and supports the retention of the Norfolk Pine tree (T3) subject to no proposed building or fill close to the tree (condition B44). The applicant has already amended the plans or agrees to these requirements.

Natural Resources Unit has required standard native vegetation and wildlife protection conditions. The amended proposal is otherwise satisfactory in regard to the protection of vegetation on the site.

Stormwater drainage and Geotechnical hazard

The development will require cut and fill earthworks and several retaining walls with some footings down to a maximum depth of 1.8m. The proposal is accompanied by a satisfactory combined geotechnical and stormwater drainage assessment report by Martens & Assoc. Council's Development Engineer has required the standard stormwater and geotechnical related conditions.

Carparking and Access

It is proposed to provide a new attached double garage in front of the house (south western half of the street frontage) entirely within the front building setback, however, this minimizes driveway area to under 5sqm, which is a creditable reduction in paved area.

Clause D14.1 of Pittwater 21 DCP states that garages must not be the dominant feature from the street and must be behind the front building line and not wider than half the frontage or 7.5m. D14.7 provides that structures other than driveways, fences and retaining walls are not permitted within the front setback. Yet, as a matter of course, Council has varied these requirements where circumstances justified an alternative arrangement, particularly on small and steep house sites, where compliance would result in a bulkier or higher building or view loss to neighbours.

There does not appear to be a precedent for this garage arrangement either in Bruce Street or Narrabeen Park Parade, with most properties having a basement garage within the building accessed down a ramped driveway or set back and incorporated within the building with an access bridging at street level, but the arrangement as proposed represents a further alternative which reduces hard surface area by eliminating any driveway within the property. This arrangement does not reduce the potential for screen landscaping at the front of the site, since the area would otherwise be part of a driveway apron as wide as the double garage.

Whilst placing the garage forward could be seen as adding to the bulk of the building when viewed from the street, the garage is partly below street level and the total width of the development is less than that generally proposed, the house being setback 6m from the northern side boundary when viewed from Bruce Street (see model). The front of the garage has a door but the sides are partly left open reducing the solidity of the structure, whilst the low pitch of the house and garage hipped gable roofs present a well integrated design. Additionally, a garage in this configuration reduces the need for the building to occupy a greater width or depth which would result in additional bulk or height to accommodate an equivalent internal garage space of 45sqm. The remaining north western half of the frontage is to be occupied by an entry path pergola and steps and a 1m high landscaped front fence/wall. Additional planting could be provided in place of lawn turf around the relocated Livistona given the wide side setback. A condition to this effect (D11) is imposed. Since the site coverage complies in this arrangement, the garage variation is able to be supported on merit.

Clause B6.1 of Pittwater 21 DCP requires driveways to be located to provide for safe access and states that on steep sites carparking solutions may be "negotiated" and may be provided as rooftop parking. The provision of on-site manoeuvring for entry and exit in a forward direction would appear to result in an excessive creation of paved area if required for the limited traffic from a single dwelling house. Council's Development Engineer has raised no issues with the proposed carparking arrangements, and the proposed garage would, therefore, appear to be both a practical and aesthetically acceptable arrangement under the relevant control.

However, objection is raised to the proposed driveway configuration. A condition (B9) is proposed that states "*The driveway width is to be reduced to 4m at the kerb*", not the 7m as proposed. All relevant comments have been considered and incorporated as conditions in the recommendation.

8.0 BACKGROUND

Nil

9.0 DISCUSSION OF ISSUES

9.1 Policy Compliance

This proposal complies in all respects with the relevant Development Control Plan, Draft Development Control Plan/Locality Plan and Building Code and Council's Policies other than as discussed below.

9.2 Pittwater 21 DCP

Public Notification

The development site is located in Area 1, within an area of geotechnical hazard and Category 3 Habitat and adjoins a beach public reserve at the rear.

The application was notified to local residents and 4 letters of objection were received to the original proposal (see above in report).

The amended plans were re-notified and the number of objections to the re-notified proposal has been reduced.

1. In principle objections to development non-compliance with overshadowing, site coverage, setbacks, garage and pool within front setback (No.9 Bruce Street).

Comment: A shadow diagram has been provided. It is concluded that the additional overshadowing from the development to 11 Bruce Street is in accordance with Council's Solar Access standards in Pittwater 21 DCP, clause C1.4.

There is no Site Coverage exceedance in the amended plans. The garage and swimming pool are within the front setback. The garage location is allowable and reduces the extent of paved area for the driveway and is a common arrangement for steep properties falling away from the low side of the road which thereby creates access difficulties. A condition (B9) is imposed to require the street crossover to be limited to a width of 4m, not 7m as proposed.

2. Building impact on Norfolk Pine tree root zone/canopy.

Comment: The submitted arborists report does not take issue with the close proximity of the development (within 2.5m) to the trunk of the Norfolk Pine tree and implies that there will be some impacts, whilst the recommendations do provide for work in the root zone to be carried out by hand. However, it was considered preferable that such impacts be minimized by requiring any proposed development (retaining walls and building foundations, walls, awnings) to be setback farther to a minimum of 4m from the root zone and large canopy of this tree. A suitable condition (B44) to this effect is, therefore, imposed. The amended plans demonstrate that compliance can be achieved with the required rear boundary and tree setbacks.

3. Loss of privacy from northerly orientation, consistency of windows on plan and elevation, side deck setback (No. 15 Bruce Street).

Comment: The windows are consistent, being shown as “high level” windows to the rumpus room south elevation and section B-B. There is no significant loss of privacy from the orientation of the windows of the study and master bedroom on the second floor northern elevation as these windows are setback some 6m and 9.5m respectively and the dining/living room windows some 8m back from the wall of the dwelling to the north, together with intervening planter box and in-ground screen landscaping along the boundary. Additional screen trellis on both side elevations has been proposed in the amended plans. After consultation with Council’s Natural Resources staff as to suitable local native species capable of reaching 3-4m mature height, a further condition (D12) is also imposed to require an additional three Blueberry Ash trees to be planted to “beef up” the screening between the rear section of the northern elevation and the open areas to the rear of the property to the north. (Alternatively, the applicant may choose to review the form of glazing and reduce the apparent extent of floor to ceiling fully transparent glazing to the hall/stairs areas north elevation.)

4. Roof about 1.5m higher than existing resulting in loss of (SE) headland view (No. 95 Narrabeen Park Parade) presently enjoyed over the roof of 13 Bruce Street. House should be no higher than existing roof, even if under 8.5m (No.97 Narrabeen Park Parade).

Comment: This is the only issue unresolved by the amended plans. The situation locally is that many of the houses in Narrabeen Park Parade enjoy expansive nearby easterly beach and ocean views, in addition to which some are able to distantly view the headland at the southern end of Warriewood Beach, to the south east over the properties along the eastern side of Bruce Street. Objections to view loss have been received from both Nos.95 and 97 Narrabeen Park Parade to the north west (but not from Nos. 87-93 to the west).

The applicant has not been required by Council to reduce the height of the building, given that a further height restriction per se could be regarded as unreasonable where compliance with the basic height control limit of 8.5m has been achieved (though such an objection would have been reasonable had the site slope exceeded 30% which allows a concessional building height to 10m only subject to it not being a bulky design or their being issues of significant neighbour view loss). It should also be noted that the building approaches the maximum allowed height for only part of the height of the building.

There is an adjoining high development a short distance to the south. It also has to be recognized here that a similar complying re-development on the adjoining and presently under-developed properties at Nos. 11 and 15 Bruce Street might be likely to remove the oblique south easterly (headland) view from Nos. 95 and 97 Narrabeen Park Parade, but that their broad easterly ocean views are not likely to be affected by any of these developments in Bruce Street.

The present house has a 3m northern side setback and 1m southern side setback. At no point is the building more than 2 floors above natural ground level. The roof of the adjoining houses to the north and south peak at RL33.5m and RL 30m, respectively, it being noted that neither of these houses has yet been redeveloped. The proposed house has a roof peak at RL 35.25m, which is only 1.65m higher than the existing roof ridge of RL 33.6m and the new roof ridge is 11m back from the front boundary, compared to 15m for the existing house, so that the bulk of the roof (50% of roof area) is now moved about 4m closer to the street. The roof style is still a hipped gable, similar in size and roof slope to the existing roof but about 25sqm smaller in area, with the garage roof in front stepped down a further 1m. The new roof is oriented with its length front to rear rather than side to side across the lot.

These design features are supported as having reduced the potential view loss which might otherwise have resulted to surrounding residents from a more bulky height compliant building.

Following the erection of height poles, the assessing officer used the model and plans to assist in the determine the extent of view loss impact on site at 95 Narrabeen Park Parade with the objectors architect, Mr G Watson. An additional submission *states ".....my clients enjoy broad views of the ocean and from the living room and verandah there is a treasured view of the Warriewood South headland and foreshore rocks and wave action. The new roof would obscure the majority of this view. The ridge height and extent of the eaves to the south is increased by the proximity of the eaves to the south boundary. These eaves are not in compliance with the DCP side boundary envelope...We request that Council ensures compliance...any further lowering of the top floor roof would assist my clients view loss."*

It is acknowledged that the development would impact to an extent on headland views from some properties in Narrabeen Park Parade and that these are an attractive component of the overall views available to these properties. However, it is also incumbent on Council to only refuse an un-reasonable development of any lot and the policy cannot guarantee that all existing views will be maintained under all circumstances. In this case, the objection is not supported as falling within the scope of the view sharing policy of Pittwater 21 DCP, clause C1.3, which has limited aims which are that development maintain reasonable sharing of views, that any one development is not to maximize its views at the expense of other residences and that building lines, de facto building lines and height of development be sympathetic to the topography of the site.

It is concluded that to further restrict the development of this site to maintain headland views would in itself be un-reasonable in all of the circumstances and that the design proposed has merit given the site constraints, that the applicant has sought to minimise its impact and that it reasonably complies with Council's relatively onerous development assessment standards.

10.0 CONCLUSION

The proposed Demolition of Existing Structures and Construction of New House, Garage and Swimming Pool satisfies the requirements of the relevant Development Control Plans, Draft Development Control Plan/Locality Plan and Building Code, Council's Policies and the Statutory requirements. Subject to the appropriate conditions the application can be approved.

RECOMMENDATION OF DEVELOPMENT OFFICER

That Development Application No. N0799/04 – 13 Bruce Street, Warriewood - Demolition of Existing Structures and Construction of New House, Garage and Swimming Pool be approved subject to the conditions contained in the attached draft Development Consent.

Report prepared by

John Raven
DEVELOPMENT OFFICER

CONSENT NO: N0799/04
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

Carol Voss, PO Box 300 Church Point NSW 2105

Being the applicant in respect of Development Application No N0799/04

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0799/04 for:

Demolition of existing dwelling house and construction of a new dwelling and a swimming pool

At:

Lot 10 DP 15762

13 BRUCE STREET MONA VALE NSW 2103

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with **plans numbered 23-37 – 1a to 11a, set dated January 2005; Landscape Plan (0040) dated 22/10/04 prepared by Ian Walters**, as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent

Angus Gordon
GENERAL MANAGER

Per:

DRAFT DETERMINATION

CONDITIONS OF DEVELOPMENT CONSENT

This Consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

A. PRESCRIBED CONDITIONS

- A1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
- A2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
- A4. To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections required by the principal certifying authority, the principal contractor for the building site, or the owner- builder must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work, in accordance with clause 162 of the Environmental Planning and Assessment Regulation 2000.
- A5. Critical stage inspections are to be carried out in accordance with clause 162A of the Environmental Planning and Assessment Regulation 2000.
- A6. 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:
- a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. 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
 - c. stating that unauthorised entry to the work site is prohibited.
- A7. 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.
- A8. 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:
- a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:

- i. the name of the owner-builder, and
- ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

A9. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.

A10. Conditions A8 and A9 do not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

B. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NOTE: The issue of partial or limited Construction Certificates is not permissible under the terms of this consent unless otherwise specifically stated. All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications/details can not be accepted.

B9. The driveway width is to be reduced to 4m at the kerb.

B10. Three sets of detailed working drawings that comply in all respects with the Building Code of Australia and the conditions of the Development Consent are to be submitted prior to the release of the Construction Certificate.

B12. Pool fencing is to be designed and located in accordance with the Swimming Pool Act 1992, AS 1926.1-1993 "Fencing for swimming pools", AS 1926.1 - 1995 "Location of fencing for private swimming pools". Details are to be submitted prior to the issue of a Construction Certificate.

B19. Three sets of Drainage details showing **on-site stormwater detention** facilities, are to be submitted prior to release of the Construction Certificate. Such details are to be accompanied by a certification by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with Council's Policy and Guidelines for the on-site detention of stormwater- Feb 1996. The details shall include disposal of the site stormwater from the OSD facility to a public drainage system (ie. kerb and gutter or natural watercourse.)

B27. (a) Street Levels must be obtained from Council for all access driveways across the public road verge to road edge. The street levels provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.

(b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway i.e. other than a plain concrete finish, within the public road reserve.

- (c) All construction of the access driveway must be undertaken by a Council authorised contractor.
 - (d) Council's Fees and Charges apply to Street Levels and Deed of Agreement for Access Driveway.
- B29. Three copies of an Erosion and Sediment Management Plan are to be submitted with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservation's "Urban Erosion and Sediment Control" manual.
- B44. No part of the foundations, building perimeter, or any projecting structure is to be positioned within a distance of 4m from the trunk of the Norfolk Pine Tree (T3). Details to be shown as amendments in the Construction Certificate application.
- B45. Three sets of detailed landscape working drawings, which comply in all respects with the conditions of development consent, are to be submitted prior to release of the Construction Certificate. Each plan/sheet is to be certified by a qualified landscape architect, landscape designer/environmental designer or horticulturist, confirming that the plans/details provide for the works to be carried out in accordance with Development Control Plan No 23 - Landscape and Vegetation Management.
- B45a. In particular, the landscape working drawing is to provide full details of the following:
1. the usage of the dominant tree species growing in the area or locally indigenous species.
 2. all existing trees and vegetation to be retained, removed and proposed, including canopy spread, trunk location and condition;
 3. a plant schedule including stratum, species/common names, species' numbers, pot size and staking details;
 4. a schedule of materials (including such elements as turfing, edging, walling, paving and fencing);
 5. the proposed finished treatment of garden areas, including soil depth and mulching details;
 6. the location of underground/overhead services;
 7. details of irrigation and any on-slab planting;
 8. **the provision of two (2) trees within the footpath area.** Species type is to be discussed with Council's Reserves and Recreation Business Unit. All plant species are to be minimum 100 litre stock and provided with protective tree guards, which are to remain in place for a period of 12 months from the date of planting;

- B49. As the works involve landscaping over a reinstated concrete slab, or include planter box planting, details of proposed watering systems, subsoil drainage and the waterproofing membrane are to be included in the landscape working drawing.
- B60. Three sets of Structural Engineering details relating to the slabs, footings, retaining walls, structural framing are to be submitted prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
- B60a. As the site is located in a slip liable area, the structural details relating to the slabs, footings, retaining walls, structural framing are to be endorsed by a qualified practising Geotechnical Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
- B64. Prior to issue of the Construction Certificate, details are to be submitted to Council or the Accredited Certifier that include, but are not limited to, all of the recommended conditions in the Geotechnical Report P0400994 JR1.

Form 2 of the "Geotechnical Risk Management Policy for Pittwater" is to be completed and submitted with the above details before issue of the Construction Certificate.

- B68. An updated "low risk hazard" geotechnical certificate is to be provided to Council for the amended building plans numbered 23-37 – 1a to 11a, set dated January 2005, prior to release of the Construction Certificate.

C. MATTERS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORK

NOTE: It is an offence to commence works prior to issue of a Construction Certificate.

- C5. Where works are approved within the dripline of trees to be retained, a qualified arborist, horticulturist or landscape architect is to certify that protective fencing, a minimum of 1.5 metres high with steel pipe supports has been provided to retain the maximum area of root zone possible. A qualified arborist/tree surgeon will be engaged to treat cuts to any significant tree roots encountered during construction activities and to manage any removal of tree limbs, this measure is intended to maximise tree health and long-term viability. Excavation should not occur within the PRZ of trees to be retained, if this cannot be avoided, excavation should be carried out by hand, an Arborist should be present to supervise the excavation, to carry out any necessary remedial work or re-design around large roots if necessary.
- C6. A certificate prepared by an appropriate qualified person is to be submitted for the following building components, certifying to the principal certifying authority that the nominated works have been carried out in accordance with the Building Code of Australia, relevant Australian Standards and any conditions of Development Consent. Works are not to progress past this point until the principal certifying authority has confirmed that this condition has been satisfied (see copy of form attached).
- C6a. Building Setout BS-1
- C6b. Protection Fencing (landscaping) PF-1

- C7. Exclusion fence is to be constructed to protect existing native vegetation and habitats present across the rear portion of the site, sediment and erosion control devices to be installed where necessary.
- C10. So as to achieve safe and proper means of disposal of asbestos materials from buildings, only depots and contractors authorised by the Waste Services Authority are to be utilised. Approval must be obtained from the Service before disposal of any asbestos materials.
- C15. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
- C20. Relocation of nominated palm species is to be carried out by a qualified contractor with proven experience in this area. Further, the contractor is to supply the project manager with a maintenance strategy for a 12 month re-establishment period. This strategy is to address maintenance issues such as irrigation, soil testing, weeding, plant staking, fertilising, pest and disease control, remedial pruning and the like.

Further, provision is to be made for the contractor to visit the site on a 3 monthly basis from the date of the relocation. After the inspection, the contractor is to issue a report to the project manager certifying that the palms are healthy and performing to expectation.

A copy of this report is to be forwarded to Council or the accredited certifier. Where the project is being supervised by a private certifier, for the purposes of keeping a public record, a copy of the letter of confirmation is to be forwarded by the certifier to Council within 5 working days of the date of issue.

D. CONDITIONS TO MINIMISE THE IMPACT OF THE DEVELOPMENT ON THE NATURAL AND BUILT ENVIRONMENT

- D1. In order to provide satisfactory car parking for the total development, car parking provision shall be made for **a minimum of two (2) cars**.
- D9. Compliance with the recommendations of the Arboricultural Assessment by Urban Forestry Australia, dated October 2004.
- D10. The Cabbage Tree Palm species (Tree T2), is to be relocated on site and under planted with locally indigenous shrubs and/or ground covers (not turf).
- D11. Apart from a 1m wide path linking the "paving" and "steps", additional screen planting comprising locally native shrubs 1.5m to 2m in mature height is to be provided in place of the area marked as lawn "turf" around the "relocated Livistona" on the Landscape Plan. Details to be shown on an amended landscaping plan.
- D12. Three Blueberry Ash trees are to be planted along the northern side boundary to provide additional privacy to the outdoor areas at the rear of the adjoining property to the north.
- D13. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

- D12. In order to ensure safe handling of asbestos materials, the re-use or sale of asbestos building materials is prohibited.
- D20. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
- D28. All excavated material is to be removed from the site. This is due to the site's location in an area identified as being subject to possible landslip.
- D41. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application (Wattyl "Moondance" wall colour and "Slate Grey" Colorbond Zinalume roof and awning finishes, as specified on Sheet 1 of the consent plans). No white or light coloured roofs are permitted, namely, materials and finishes as specified in sheet 1 of the consent application.
- D84. The development is to be provided with a 4000 litre rainwater storage tank.
- D89. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.
- D105. The landscaping is to be maintained for the life of the development.
- D106. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas.

Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.

Further, the project manager is to erect signs advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

- D108. In accordance with Pittwater Council's Tree Preservation and Management Order, all existing trees as indicated on [Survey Plan No 23-37-2](#) shall be retained except where Council's prior written consent has been obtained, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas.
- D122. All declared noxious weeds under the Noxious Weeds Act 1993 together with other environmental weeds are to be removed and/or controlled using an appropriate technique.

- D190. The removal or destruction of bush rock has been listed as a Key Threatening Process under the NSW Threatened Species Conservation Act, 1995. No bush rock is to be removed or destroyed without prior consultation and approval by NSW National Parks and Wildlife Service and Council.
- D192. Erecting two nest boxes (one large and one small) in the garden to increase the level of suitable wildlife habitat within the property boundary, thus helping to ensure the well being of future wildlife populations. Information can be obtained from the Coastal Environment Centre (CEC) ph: 9970 6905.
- D195. Tree guards are to be provided around all trees as indicated on **Survey Plan No 23-37-2** other than where Council's prior written consent has been obtained, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas. The tree guards are to be installed prior to the commencement of any work on the site. No works, including utility installations (eg water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.
- D196. Guards or fences are to be provided around native vegetation as identified/ nominated on the approved plans. The guards or fences are to be installed prior to the commencement of any work on the site. No works, including utility installations (eg water, sewer, telephone, drainage), are to be undertaken within 4 metres of the trunk of any such trees. The tree guards shall be a minimum 1200mm high at least four (4) metres from the base of the nominated tree/s and constructed from timber posts and rails or posts and suitable plywood panels.
- D197. In accordance with Pittwater Council's Tree Preservation and Management Order, all existing trees as indicated on **Survey Plan No 23-37-2** shall be retained except where Council's prior written consent has been obtained, or where after approval of the relevant Construction Certificate Application/s, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas.
- D198. The developer or contractor will take all measures to prevent damage to trees and root systems during site works and construction activities including provision of water, sewerage and stormwater drainage services. In particular, works, erection of structures, excavation or changes to soil levels within 5 metres of the trunks of trees to be retained are not permitted unless part of the development as approved, and the storage of spoil, building materials, soils or the driving or parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained, is not permitted.

NOTE: Trees that are part of an Endangered Ecological Community or are habitat for threatened species and endangered populations must comply with the requirements of the Threatened Species Conservation Act, 1995. Failure to do so may result in a penalty up to a maximum of \$250,000.00 and jail sentences.

Failure to comply with the requirements of the Pittwater Council Tree Preservation and Management Order may result in a penalty up to a maximum of \$20,000.00.

D199. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots' removal on the tree's survival and report to Council's Landscape Architect.

If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

D200. When working within the drip line of the trees, hand digging is to occur in sensitive areas. Liaison on a daily basis is to be maintained during the excavation works between the Builder and Arborist. No filling or compaction shall occur over tree roots within the area defined by the outer drip line of the crown. Root protection/ compaction mitigation in the form of planks or metal decking supported clear of the ground fixed to scaffolding is to be installed as required.

D201. Advise contractors and visitors to the site of the purpose for the tree/native vegetation/habitat protection/exclusion fencing installed in accordance with this consent by the placement of a suitable warning sign.

D220. A clearly legible "Site Management Sign" is to be erected and maintained throughout the course of works on the site. The sign is to be centrally located on the main street frontage of the site and is to state in clearly legible lettering the following: -

- Builder's name, builder's telephone contact number during work hours.
- A site fence and/or silt and sediment control fence is to be erected and maintained during the course of works along any street frontage boundary to the site.
- Street levels are to be obtained for the construction of any access driveway crossing between the site and the constructed roadway in accordance with Condition B27.
- A Road Opening Permit, issued by Council, must be obtained for any road openings or excavation within Council's Road Reserve associated with the development of the site, including stormwater drainage, water, sewer, electricity, gas and telephone connections etc. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- No other works are to be carried out in Council's Road Reserve without its approval.
- No skip bins or materials are to be stored on Council's Road Reserve.

E. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

NOTE: The issue of interim or partial Occupation Certificates is not permissible within the terms of this consent unless otherwise specifically stated. Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction.

Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

NOTE: It is an offence to occupy the building or part thereof to which this consent relates prior to issue of an Occupation Certificate.

- E10. A certificate prepared by an appropriate qualified person is to be submitted, where relevant, for the following building components, certifying to the principal certifying authority that the nominated works have been carried out in accordance with the Building Code of Australia, relevant Australian Standards and any conditions of Development Consent. Works are not to progress past this point until the principal certifying authority has confirmed that this condition has been satisfied (see copy of form attached).
- E10a. Ground floor levels FL-1
- E10b. Subsequent floor levels FL-2
- E10c. External Finishes EF-1
- E10d. Roof ridge levels RL-1
- E10e. Excavation and/or filling EX-1
- E10g. Landscaping LS-1
- E11c. Native vegetation planting NV-1
- E31. Prior to the issue of the Occupation Certificate, an Accredited Certifier/Licensed Builder is to certify, where relevant, to the satisfaction of Council or the Accredited Certifier that the attached requirements of **Department of Infrastructure, Planning and Natural Resources, dated 12/11/04** have been satisfied.
- E45. Bushland Management Consultant/Qualified Landscaper/Qualified Arborist to verify that nest boxes (as per condition D192) appropriately and that landscape plan (Kelvin Carlson Horticultural Consulting 26/10/04) requirements submitted for site have been undertaken.
- E76. A Resuscitation and External Cardiac Compression Chart is to be affixed in a prominent location adjacent to the pool / spa, prior to issue of the Occupation Certificate.
- E84. The **pool/spa** is not to be used until an Occupation Certificate has been issued, confirming that the project complies with the relevant standards and the conditions of development consent. The request for an Occupation Certificate is to be accompanied by a copy of all of the Compliance Certificates required by the conditions of development consent (see copy of form attached).
- E86. The **building** is not to be occupied or used until an Occupation Certificate has been issued, confirming that the project complies with the relevant standards and the conditions of development consent. The request for an Occupation Certificate is to be accompanied by a copy of all of the Compliance Certificates required by the conditions of development consent (see copy of form attached).
- E87. Prior to issue of the Occupation Certificate, Form 3 of the "Geotechnical Risk Management Policy" is to be completed and submitted to Council or the Accredited Certifier.

Certificates are to be submitted where the recommendations of the approved Geotechnical Report P0400994 JR1 require sign-offs during the construction phase to achieve the "acceptable level of risk" criteria specified in the Geotechnical Risk Management Policy.

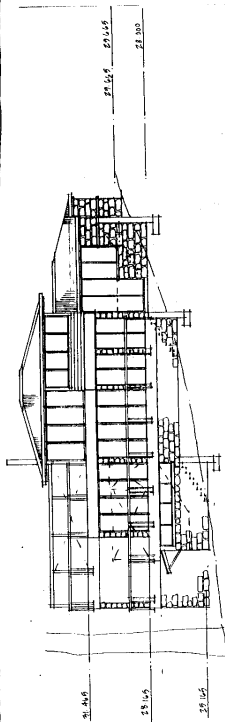
- E88. A positive covenant/ restriction on the use of land is to be created prior to the issue of the Occupation Certificate where the recommendations of the approved Geotechnical Report P0400994 JR1 requires on-going maintenance/inspections to ensure that the development achieves the "acceptable level of risk" criteria over the life of the development.
- E89. A positive covenant is to be created on the title to ensure the on going maintenance and performance of the on-site stormwater detention system. The terms of the covenant are to be in accordance with Councils standard wording.

F. MATTERS TO BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

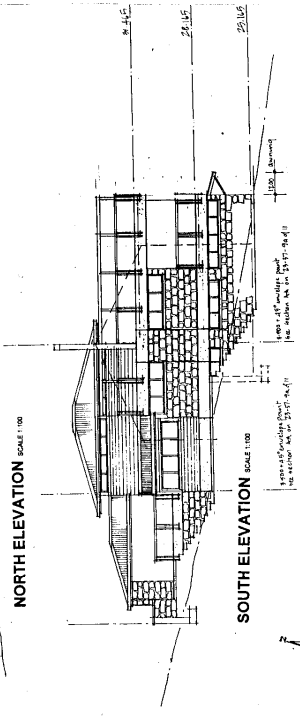
Nil

G. ADVICE

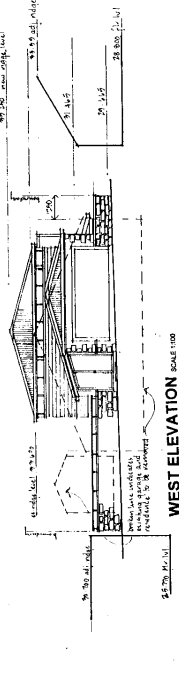
- G23. Failure to comply with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
- G24. The applicant is also advised to contact the various supply and utility authorities, ie Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
- G25. It is the Project Manager's responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with Council. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent Council from issuing the Occupation Certificate or the Building Certificate.
- G26. In accordance with Section 80A(1)(d) and (e) of the Act, any consent given shall be void if the development to which it refers is not commenced within two (2) years after the date of approval, provided that Council may, if good cause be shown, grant an extension of renewal of such consent beyond such period.
- NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.
- G27. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).
- G28. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing together with a \$500 fee, within 1 year from the date of determination.
- G29. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.



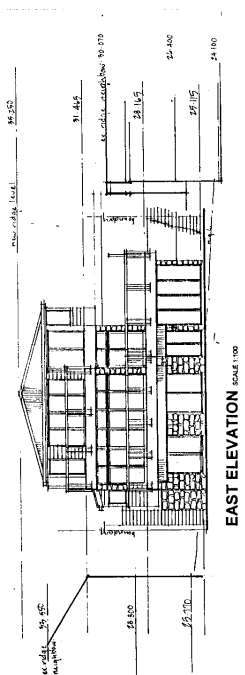
NORTH ELEVATION SCALE 1:100



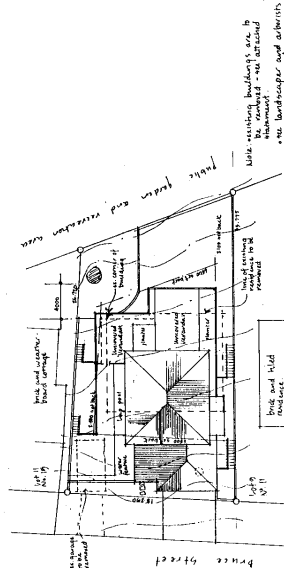
SOUTH ELEVATION SCALE 1:100



WEST ELEVATION SCALE 1:100



EAST ELEVATION SCALE 1:100



SITE PLAN SCALE 1:300

Client: **IAN WALTERS**

Project: **PROPOSED EARTHWORKS,
REMOVAL OF EXISTING
STRUCTURES, NEW POOL
AND RESIDENCE**

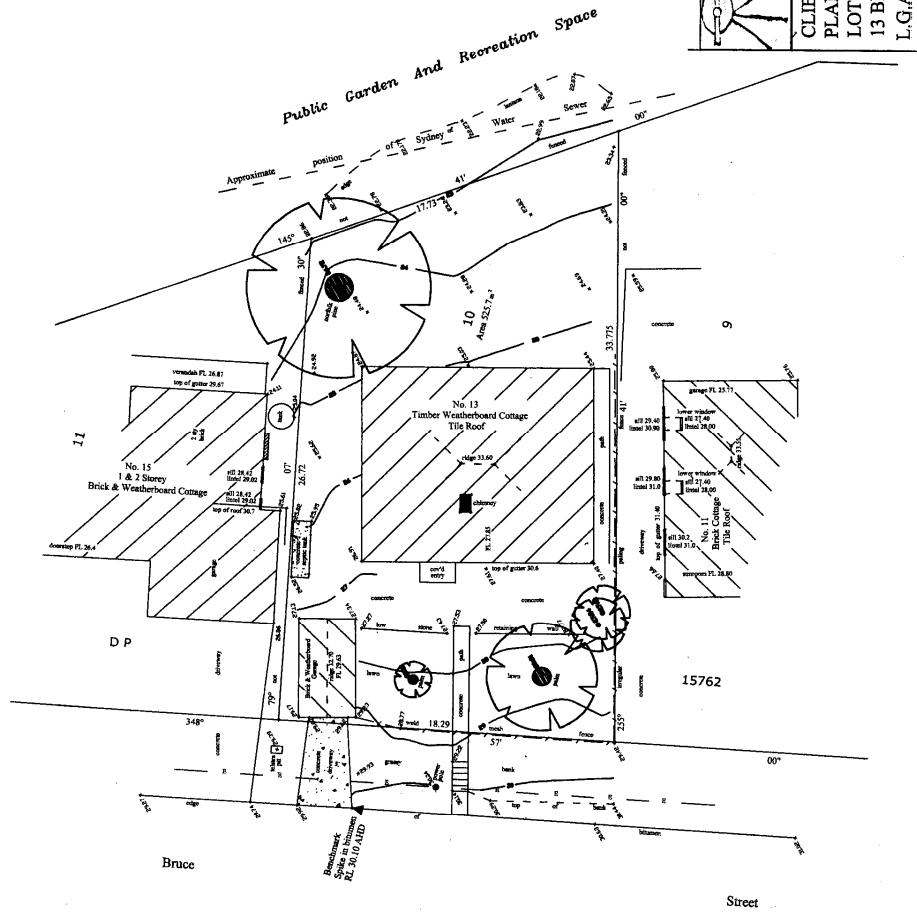
NOTE: AMMENDMENTS TO D.A. NO799/04

Address: **13 BRUCE STREET
WARRIEWOOD**

Site: **LOT 10 IN D.P. 15762**

Date: January 2005
Scale: 1:100 and 1:200
Drawn: Carol Voss
P.O. Box 300
Church Point
2105

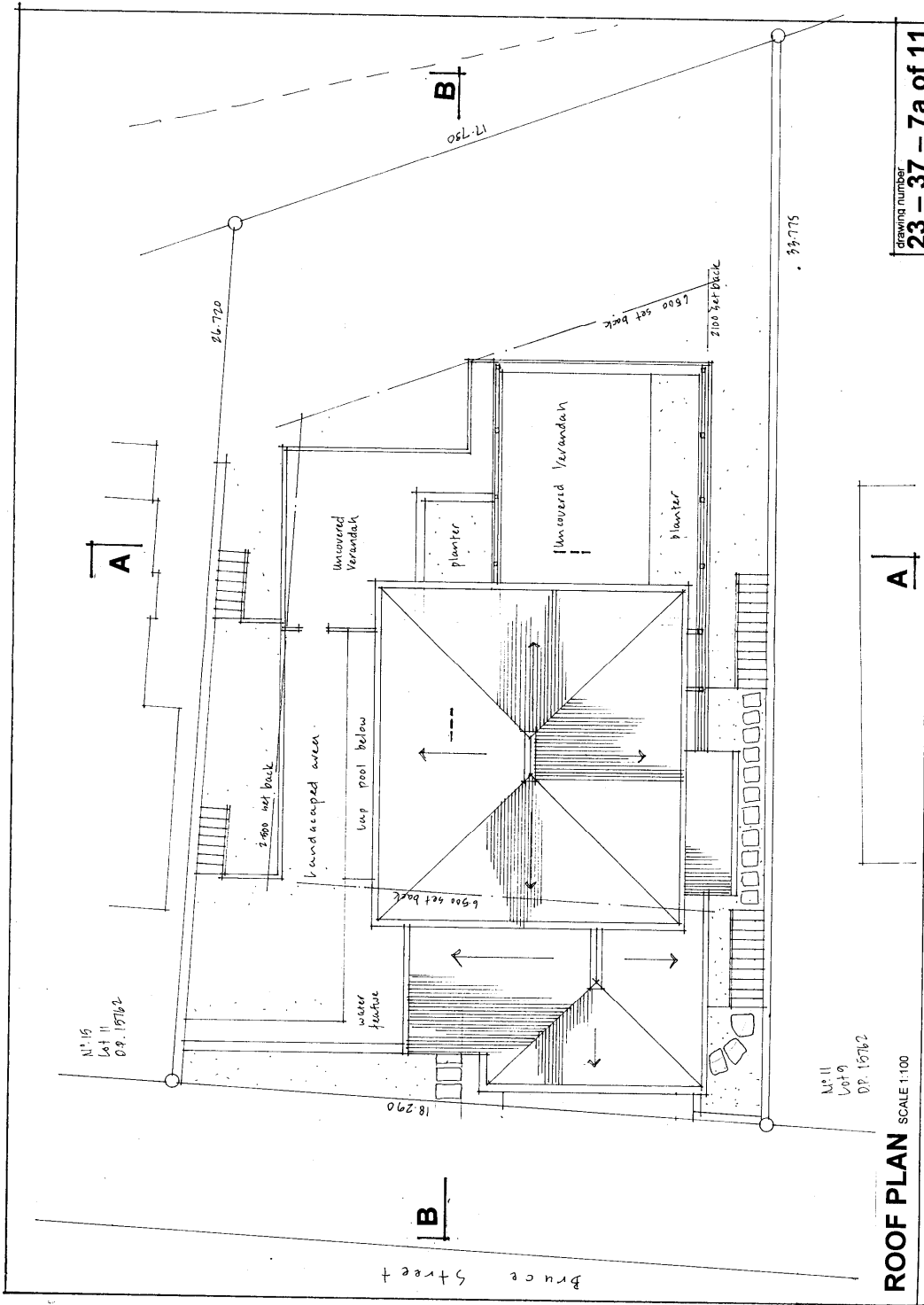
- NOTES:**
- Check on the Australian Pegs Diagram (A.P.D.).
 - Boundary not marked.
 - These walls and grounds are diagrammatic only.
 - The boundaries should be marked prior to any construction work. Contact the authority prior to any excavation on or near the site.
 - E - Discover overhead electricity wires.
 - Covenant BR33965



	LAND AND CONSTRUCTION SURVEYING SIMON WARREN 10 BAMEIL RD, BEROWRA MOB 0412448259 FAX 94564212	SCALE 1:100
	CLIENT: IAN WALTERS PLAN SHOWING DETAIL & LEVELS OVER LOT 10 IN DP 15762 13 BRUCE ST, WARRIEWOOD L.G.A. PITTWATER	DATE 14-7-2004
		REF. NO. 04-14

drawing number **23 - 37 - 2a of 11**

SURVEY PLAN SCALE 1:200



drawing number
23-37-7a of 11
ROOF PLAN SCALE 1:100