

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |             |
|----------------------------|-------------|
| <b>Application Number:</b> | DA2018/0323 |
|----------------------------|-------------|

|                                           |                                                      |
|-------------------------------------------|------------------------------------------------------|
| <b>Responsible Officer:</b>               | Christopher Nguyen                                   |
| <b>Land to be developed (Address):</b>    | Lot 14 DP 233077, 4 Iramir Place WARRIEWOOD NSW 2102 |
| <b>Proposed Development:</b>              | Alterations and additions to a dwelling house        |
| <b>Zoning:</b>                            | E4 Environmental Living                              |
| <b>Development Permissible:</b>           | Yes                                                  |
| <b>Existing Use Rights:</b>               | No                                                   |
| <b>Consent Authority:</b>                 | Northern Beaches Council                             |
| <b>Land and Environment Court Action:</b> | No                                                   |
| <b>Owner:</b>                             | Ngeth Hong<br>Sovannrath Ly                          |
| <b>Applicant:</b>                         | JJ Drafting                                          |

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| <b>Application lodged:</b>       | 02/03/2018                              |
| <b>Integrated Development:</b>   | No                                      |
| <b>Designated Development:</b>   | No                                      |
| <b>State Reporting Category:</b> | Residential - Alterations and additions |
| <b>Notified:</b>                 | 07/03/2018 to 23/03/2018                |
| <b>Advertised:</b>               | Not Advertised                          |
| <b>Submissions Received:</b>     | 0                                       |
| <b>Recommendation:</b>           | Approval                                |

|                                 |               |
|---------------------------------|---------------|
| <b>Estimated Cost of Works:</b> | \$ 350,000.00 |
|---------------------------------|---------------|

### ASSESSMENT INTRODUCTION

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

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - 2014 - B6.7 Transport and Traffic Management  
 Pittwater 21 Development Control Plan - 2014 - C1.3 View Sharing  
 Pittwater 21 Development Control Plan - 2014 - C1.4 Solar Access  
 Pittwater 21 Development Control Plan - 2014 - C1.5 Visual Privacy  
 Pittwater 21 Development Control Plan - 2014 - D14.1 Character as viewed from a public place  
 Pittwater 21 Development Control Plan - 2014 - D14.3 Building colours and materials  
 Pittwater 21 Development Control Plan - 2014 - D14.7 Front building line  
 Pittwater 21 Development Control Plan - 2014 - D14.8 Side and rear building line  
 Pittwater 21 Development Control Plan - 2014 - D14.11 Building envelope  
 Pittwater 21 Development Control Plan - 2014 - D14.13 Landscaped Area - Environmentally Sensitive Land  
 Pittwater 21 Development Control Plan - 2014 - D14.15 Fences - General

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 14 DP 233077 , 4 Iramir Place WARRIEWOOD NSW 2102                                                                                                                                                                                                                                                                                                                                                  |
| <b>Detailed Site Description:</b> | <p>The site is known as 4 Iramir Place, Warriewood and legally referred to as Lot 14 DP 233077. The total area of the site is listed as 720.8m<sup>2</sup>. The site contains a single two storey dwelling. The site is accessed through a right of carriageway from Alameda Way. Surrounding the site are low density residential dwellings.</p> <p>A site inspection was conducted on 10/05/2018</p> |

Map:



## SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

N0021/10/S96/1 - Modification for alterations and additions to the existing dwelling was granted consent on 14/10/2010

N0021/10 - Development Application for alterations and additions was granted consent on 04/03/2010

## PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for an extension of the ground floor and first floor to the south-west.

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

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration'                                              | Comments                                                               |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument        | See discussion on "Environmental Planning Instruments" in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | None applicable.                                                       |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan               | Pittwater 21 Development Control Plan applies to this proposal.        |
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement                     | None applicable.                                                       |

| Section 4.15 Matters for Consideration'                                                                                                                                                   | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&amp;A Regulation 2000)</p>                                                      | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| <p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> | <p>(i) <b>Environmental Impact</b><br/>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Section 4.15 Matters for Consideration'                                                | Comments                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                        | the proposal.<br><br>(iii) <b>Economic Impact</b><br>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use. |
| Section 4.15 (1) (c) – the suitability of the site for the development                 | The site is considered suitable for the proposed development.                                                                                                                                           |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report.                                                                                                                                 |
| Section 4.15 (1) (e) – the public interest                                             | No matters have arisen in this assessment that would justify the refusal of the application in the public interest.                                                                                     |

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

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

## REFERRALS

| Internal Referral Body         | Comments                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape Officer              | No objection to the landscape proposal subject to the protection of existing trees.<br><br>Council's Landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:<br><br>B4.22 Preservation of Trees and Bushland Vegetation<br><br>C1.1 Landscaping<br><br>D2.1 Character as viewed from a public place |
| NECC (Development Engineering) | I have reviewed the DA in regards to the relevant Development Engineering controls of Council's DCP and can advise that these controls have been satisfied.                                                                                                                                                                                                  |

| Internal Referral Body | Comments                                                                                         |
|------------------------|--------------------------------------------------------------------------------------------------|
|                        | No Development Engineering objection is raised to the proposed development subject to conditions |

| External Referral Body | Comments                              |
|------------------------|---------------------------------------|
| Ausgrid: (SEPP Infra.) | No response was provided from Ausgrid |

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

#### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A304600).

#### Pittwater Local Environmental Plan 2014

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

#### Principal Development Standards

| Standard             | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m        | 6.0m     | N/A         | Yes      |

#### Compliance Assessment

| Clause | Compliance with Requirements |
|--------|------------------------------|
|--------|------------------------------|



| Clause                                                   | Compliance with Requirements |
|----------------------------------------------------------|------------------------------|
| 1.9A Suspension of covenants, agreements and instruments | Yes                          |
| 2.7 Demolition requires development consent              | Yes                          |
| 4.3 Height of buildings                                  | Yes                          |
| 5.10 Heritage conservation                               | Yes                          |
| 7.1 Acid sulfate soils                                   | Yes                          |
| 7.2 Earthworks                                           | Yes                          |
| 7.7 Geotechnical hazards                                 | Yes                          |
| 7.10 Essential services                                  | Yes                          |

### Pittwater 21 Development Control Plan - 2014

#### Built Form Controls

| Built Form Control  | Requirement | Proposed         | Complies |
|---------------------|-------------|------------------|----------|
| Front building line | 6.5m        | 7.62m            | Yes      |
| Side building line  | 1m          | 1.83m            | Yes      |
| Building envelope   | 3.5m        | Outside envelope | No       |
| Landscaped area     | 60%         | 53.25%           | No       |

#### Compliance Assessment

| Clause                                                                          | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------------------------------------------------------------------|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted                                   | Yes                          | Yes                         |
| A4.14 Warriewood Locality                                                       | Yes                          | Yes                         |
| A5.1 Exhibition, Advertisement and Notification of Applications                 | Yes                          | Yes                         |
| B1.3 Heritage Conservation - General                                            | Yes                          | Yes                         |
| B1.4 Aboriginal Heritage Significance                                           | Yes                          | Yes                         |
| B3.1 Landslip Hazard                                                            | Yes                          | Yes                         |
| B3.6 Contaminated Land and Potentially Contaminated Land                        | Yes                          | Yes                         |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land                  | Yes                          | Yes                         |
| B5.1 Water Management Plan                                                      | Yes                          | Yes                         |
| B5.7 Stormwater Management - On-Site Stormwater Detention                       | Yes                          | Yes                         |
| B5.9 Stormwater Management - Water Quality - Other than Low Density Residential | Yes                          | Yes                         |
| B5.10 Stormwater Discharge into Public Drainage System                          | Yes                          | Yes                         |
| B6.1 Access driveways and Works on the Public Road Reserve                      | Yes                          | Yes                         |
| B6.2 Internal Driveways                                                         | Yes                          | Yes                         |
| B6.3 Off-Street Vehicle Parking Requirements                                    | Yes                          | Yes                         |
| B6.7 Transport and Traffic Management                                           | Yes                          | Yes                         |
| B8.1 Construction and Demolition - Excavation and Landfill                      | Yes                          | Yes                         |

| Clause                                                               | Compliance with Requirements | Consistency Aims/Objectives |
|----------------------------------------------------------------------|------------------------------|-----------------------------|
| B8.2 Construction and Demolition - Erosion and Sediment Management   | Yes                          | Yes                         |
| B8.3 Construction and Demolition - Waste Minimisation                | Yes                          | Yes                         |
| B8.4 Construction and Demolition - Site Fencing and Security         | Yes                          | Yes                         |
| B8.5 Construction and Demolition - Works in the Public Domain        | Yes                          | Yes                         |
| B8.6 Construction and Demolition - Traffic Management Plan           | Yes                          | Yes                         |
| C1.1 Landscaping                                                     | Yes                          | Yes                         |
| C1.2 Safety and Security                                             | Yes                          | Yes                         |
| C1.3 View Sharing                                                    | Yes                          | Yes                         |
| C1.4 Solar Access                                                    | Yes                          | Yes                         |
| C1.5 Visual Privacy                                                  | Yes                          | Yes                         |
| C1.6 Acoustic Privacy                                                | Yes                          | Yes                         |
| C1.7 Private Open Space                                              | Yes                          | Yes                         |
| C1.9 Adaptable Housing and Accessibility                             | Yes                          | Yes                         |
| C1.12 Waste and Recycling Facilities                                 | Yes                          | Yes                         |
| C1.13 Pollution Control                                              | Yes                          | Yes                         |
| C1.23 Eaves                                                          | Yes                          | Yes                         |
| C1.24 Public Road Reserve - Landscaping and Infrastructure           | Yes                          | Yes                         |
| C1.25 Plant, Equipment Boxes and Lift Over-Run                       | Yes                          | Yes                         |
| D14.1 Character as viewed from a public place                        | Yes                          | Yes                         |
| D14.2 Scenic protection - General                                    | Yes                          | Yes                         |
| D14.3 Building colours and materials                                 | Yes                          | Yes                         |
| D14.7 Front building line                                            | Yes                          | Yes                         |
| D14.8 Side and rear building line                                    | Yes                          | Yes                         |
| D14.11 Building envelope                                             | No                           | Yes                         |
| D14.13 Landscaped Area - Environmentally Sensitive Land              | No                           | Yes                         |
| D14.15 Fences - General                                              | Yes                          | Yes                         |
| D14.17 Construction, Retaining walls, terracing and undercroft areas | Yes                          | Yes                         |

#### Detailed Assessment

#### **B6.7 Transport and Traffic Management**

As the works are minor in nature, there is not thought to be a large increase in traffic to the right of carriageway off Alameda Way servicing the property. A Construction Traffic Management Plan is not considered to be required and conditions shall be imposed for the right of carriageway to not be obstructed at all times.

#### **C1.3 View Sharing**

The proposed extension to the dwelling does not obstruct any views of significance for surrounding



neighbours.

#### **C1.4 Solar Access**

There are no concerns regarding solar access. The shadow cast from the dwelling does not overshadow the adjoining neighbour's private open space or principal living areas for more than 3 hours during the winter solstice.

#### **C1.5 Visual Privacy**

The existing dwelling currently contains a balcony along the entire south-western side of the dwelling. From this area, the occupants do overlook certain windows of the dwelling within 2 Iramir Place, however the proposed extension does not further worsen visual privacy between the two neighbours. Visual privacy may be improved as the new balcony is set back further away from the boundary and does not run along the entire south-western side of the dwelling. The visual privacy impact is considered acceptable.

#### **D14.1 Character as viewed from a public place**

The dwelling when viewed from Iramir PI is highly obstructed by vegetation within the road reserve as well as the south-western area of the site. As the arborist report indicates no trees are to be removed, the impact on the visual amenity of the surrounding area is acceptable as the majority of the works will be screened by vegetation.

#### **D14.3 Building colours and materials**

The Statement of Environmental Effects contains a schedule of exterior colours which indicates the finishes to match the existing dwelling. Therefore a condition shall be imposed for the finishes to match the existing dwelling.

#### **D14.7 Front building line**

Due to the irregular shape of the site and access through Alameda Way, there is no defined front boundary. The front boundaries are either the south-west or south-east. The dwelling provides a set back of 7.62m from the south-west boundary and 7.0 to the south-east boundary. As the minimum requirement is 6.5m, the proposal complies.

#### **D14.8 Side and rear building line**

The proposal complies with providing a minimum 1.0m setback to one side and 2.5m to the other side. The proposed works are located more than 6.5m from the north-east rear boundary.

#### **D14.11 Building envelope**

The proposed works fall outside of the building envelope however the breach is considered minor. The breach occurs due to the sloping nature of the site descending from north to south. The breach is not considered excessive when considering the surrounding built development.

#### **D14.13 Landscaped Area - Environmentally Sensitive Land**

The proposed landscaped area was measured to be approximately 384m<sup>2</sup> (53.25%). Although the minimum 60% target is not achieved, there is considerable trees and vegetation on site for the proposal to be considered low impact and in character with the surrounding area. The dense vegetation within

the southern corner of the site ensures the dwelling is heavily obscured when viewed from Iramir Pl. There are also a substantial number of trees on site which retains the desired bushland character of the area.

#### **D14.15 Fences - General**

No new fences proposed

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

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

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

#### **POLICY CONTROLS**

##### **Pittwater Section 94 Development Contributions Plan**

#### **CONCLUSION**

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

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

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0323 for Alterations and additions to a dwelling house on land at Lot 14 DP 233077, 4 Iramir Place, WARRIEWOOD, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                    |
|------------------------------------------------------------|--------------|--------------------|
| <b>Drawing No.</b>                                         | <b>Dated</b> | <b>Prepared By</b> |
| DA 1 - Site Analysis Plan                                  | January 2018 | JJ Drafting        |
| DA 2 - Ground floor Plan                                   | January 2018 | JJ Drafting        |
| DA 3 - First Floor Plan                                    | January 2018 | JJ Drafting        |
| DA 4 - South West Elevation                                | January 2018 | JJ Drafting        |
| DA 5 - South East Elevation                                | January 2018 | JJ Drafting        |
| DA 6 - North West Elevation                                | January 2018 | JJ Drafting        |
| DA 07 - Section AA                                         | January 2018 | JJ Drafting        |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |               |                                   |
|-----------------------------------------------------------------------------------------|---------------|-----------------------------------|
| <b>Report No. / Page No. / Section No.</b>                                              | <b>Dated</b>  | <b>Prepared By</b>                |
| Arborist Report                                                                         | December 2017 | Bluegum Tree Care and Consultancy |
| BASIX Certificate (A304600)                                                             | 02/02/2018    | JJ Drafting                       |
| Geotechnical Risk Management Report (Ref: J1558)                                        | 14/12/2017    | White Geotechnical Group          |

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

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

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

## 2. **Right of Carriageway**

The right of carriageway servicing 4 Iramir Place and properties within Alameda Way is to not be obstructed at all times

## 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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved

waste/recycling centres.

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

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

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

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

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

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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



## 5. **Security Bond**

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

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

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

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

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

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

### 6. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's PITTWATER DCP21. Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Council's specification are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

### 7. **Retaining wall**

A retaining wall design and certificate shall be prepared by an qualified Structural Engineer, including but not limited to all reinforced concrete, structural steel support construction, sub-soil drainage line and any proposed retaining walls; must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: Public and Private Safety

### 8. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by White geotechnical group (J1558) dated 14 December, 2017 are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is mitigated appropriately

9. **Compliance with Standards**

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

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

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

10. **External Finishes**

The external finishes shall match the existing dwelling

11. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- o Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- o Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- o Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

12. **Tree protection**

A) Existing trees and vegetation shall be retained as follows:

i) all trees and vegetation within the site, nominated on the plans and as recommended in the Arboricultural Impact Assessment prepared by Bluegum Tree Care & Consultancy, dated December 2017 for retention, shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,

ii) all other trees and vegetation located on adjoining properties,

iii) all road reserve trees and vegetation.

B) Tree protection shall be undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and according to the Arboricultural Impact Assessment prepared by Bluegum Tree Care & Consultancy,

ii) any tree roots exposed during excavation with a diameter greater than 50mm within the TPZ must be assessed by an Arborist. Details including photographic evidence of works undertaken

shall be submitted by the Arborist to the Certifying Authority,

iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

iv) no tree roots greater than 50mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 50mm diameter unless directed by the Project Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, the Project Arborist shall provide recommendations for tree protection measures provided. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation provides. (Control B4.22)

### 13. **Tree Protection Measures**

Tree protection measures shall be undertaken as recommended in the Arboricultural Impact Assessment & Tree Protection Plan prepared by Bluegum Tree Care & Consultancy, section 5 Recommendations, including tree protection fencing for trees T1, T2, T3, T5, T6, and T7, and ground protection/trunk battening for trees T8 and T9, as identified in the report.

A) The Principal Certifying Authority or Project Arborist must ensure that:

i) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site, and

ii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

B) The tree protection measures specified in this clause must:

i) be in place before work commences on the site, and

ii) be maintained in good condition during the construction period, and

iii) remain in place for the duration of the construction works.

Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: To ensure tree protection is provided and maintained (Control B.22)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

14. **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.

15. **Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations

Reason: To ensure the amenity of the surrounding area for residents

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

16. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

17. **Condition of retained trees**

Prior to the issue of an Occupation Certificate, a report prepared by an AQF Level 5 Arborist (or equivalent), shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed development, including the following information:

- a) compliance to any Arborist recommendations for tree protection and excavation works.
- b) extent of damage sustained by vegetation as a result of the construction works.
- c) any subsequent remedial works required to ensure the long term retention of the vegetation.

The report shall include assessment of all proposed retained trees: T1, T2, T3, T5, T6, T7, T8, T9 within the site, and T10 and T11 on the adjoining neighbour's property.

Reason: To ensure the long term survival of vegetation to be retained. (Control 4.22)

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

**Signed**



**Christopher Nguyen, Planner**

The application is determined under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**

**ATTACHMENT A**

| Notification Plan                                                                             | Title               | Date       |
|-----------------------------------------------------------------------------------------------|---------------------|------------|
|  2018/155353 | Plan - Notification | 23/01/2018 |

**ATTACHMENT B**

| Notification Document                                                                         | Title            | Date       |
|-----------------------------------------------------------------------------------------------|------------------|------------|
|  2018/158669 | Notification Map | 06/03/2018 |



## ATTACHMENT C

| Reference Number                                                                                | Document                                                                                 | Date       |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------|
|  2018/155361   | Plans - Survey                                                                           | 20/11/2017 |
|  2018/155364   | Report - Geotechnical                                                                    | 14/12/2017 |
|  2018/155362   | Report - Arborist                                                                        | 15/12/2017 |
|  2018/155366   | Report - Waste Management                                                                | 19/01/2018 |
|  2018/155354   | Plans - Certification of Shadow Diagrams with Plans                                      | 19/01/2018 |
|  2018/155349   | Cost Summary Report                                                                      | 19/01/2018 |
|  2018/155353   | Plan - Notification                                                                      | 23/01/2018 |
|  2018/155357   | Plans - Internal                                                                         | 23/01/2018 |
|  2018/155359   | Plans - Stormwater and Waste Management                                                  | 23/01/2018 |
|  2018/155365   | Report - Statement of Environmental Effects                                              | 02/02/2018 |
|  2018/155363  | Report - BASIX Certificate                                                               | 02/02/2018 |
|  DA2018/0323 | 4 Iramir Place WARRIEWOOD NSW 2102 - Development Application - Alterations and Additions | 02/03/2018 |
|  2018/148421 | DA Acknowledgement Letter - JJ Drafting                                                  | 02/03/2018 |
|  2018/155358 | Plans - Master Set                                                                       | 05/03/2018 |
|  2018/155356 | Plans - External                                                                         | 05/03/2018 |
|  2018/155348 | Applicant Details                                                                        | 05/03/2018 |
|  2018/155351 | Development Application Form                                                             | 05/03/2018 |
|  2018/155352 | Fee Form                                                                                 | 05/03/2018 |
|  2018/158598 | Notification Letter - 12                                                                 | 06/03/2018 |
|  2018/158603 | DA Acknowledgement Letter (not integrated) - JJ Drafting                                 | 06/03/2018 |
|  2018/158669 | Notification Map                                                                         | 06/03/2018 |
|  2018/158673 | Receipt - Fees                                                                           | 06/03/2018 |
|  2018/242082 | Development Engineering Referral Response                                                | 17/04/2018 |
|  2018/246891 | Notification Signage - DA2018/0323 - 4 Iramir Place Warriewood                           | 19/04/2018 |
|  2018/253074 | Landscape Referral Response                                                              | 23/04/2018 |
|  2018/294301 | Site Photo - Notification Sign                                                           | 15/05/2018 |
|  2018/296416 | DAO Checklist Development Panel Reports - JJ Drafting                                    | 16/05/2018 |