

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1147
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Responsible Officer:	Megan Surtees
Land to be developed (Address):	Lot 9 DP 1206507, 41 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of a dwelling house including swimming pool
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Robert John Catlin Alena Kalous
Applicant:	Wincrest Homes

Application Lodged:	18/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	04/11/2019 to 18/11/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 493,000.00
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PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the construction of a two (2) storey residential dwelling, including a swimming pool, and associated landscape works.

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 - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.13 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 9 DP 1206507 , 41 Warriewood Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Warriewood Road.</p> <p>The site is irregular in shape with a frontage of 16.8m along Warriewood Road and a depth of 24.7m. The site has a surveyed area of 410.8m².</p> <p>The site is located within the R3 Medium Density Residential zone under the Pittwater Local Environmental Plan 2014. The site is currently vacant.</p> <p>The site has an easterly orientation and is located on a gentle slope, falling in the direction from the street frontage towards the rear of the property.</p> <p>The site is vacant with no canopy trees or vegetation of the like.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by other vacant lots.</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:

3 July 2013

A Development Application (N0182/13) was submitted to Council for a 40 Lot Subdivision of the existing site, including demolition of the existing structures. This application was refused by Council on 30 December 2013.

15 October 2014

An appeal of N0182/13 was upheld by the Land and Environment Court of New South Wales (NSW) and the application was approved through the orders of the Court.

3 August 2015

An appeal of N0182/13/S96/1 (modification of N0182/13) was lodged with the Land and Environment Court of NSW. This appeal was upheld in part, and partially approved through orders of the Court. The proposed modification referred to Condition C19 of N0182/13 and the monetary contributions payable under Section 94 of the EPA Act 1979.

3 December 2015

An appeal of N0182/13/S96/2 (modification of N0182/13) was lodged directly with the Land and Environment Court of NSW. This appeal was dismissed and the application was refused. The proposed modification referred to Condition C19 of N0182/13.

3 April 2017

N0481/16, for the construction of eleven (11) two-storey detached dwellings within the approved subdivision lots, and associated landscaping, was withdrawn by the Applicant.

8 May 2017

N0567/16, for the construction of a three (3) storey residential flat building comprising 29 units, basement carparking and associated landscaping, was withdrawn by the Applicant.

24 November 2017

N0053/17, for subdivision to consolidate Lots 2, 3, 4, 14, 15, 16, 17 and 18 within the approved unregistered subdivision plan on Lot 31 Section C of DP5464, was withdrawn by the Applicant.

16 April 2018

DA2018/0607, for the construction of a residential flat building comprising 27 apartments, basement carparking and associated landscaping within the previously unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 Lot subdivision at 29-31 Warriewood Road, Warriewood was lodged with Council. This application was approved, subject to a deferred commencement and relevant conditions.

19 April 2018

DA2018/0627, for the construction of ten (10) two-storey dwellings with associated landscaping within the previously unregistered Lots 5, 6, 7, 8, 21, 22, 23, 24, 28 and 29 of an approved 40 Lot subdivision at 29-31 Warriewood Road, Warriewood was lodged with Council. This application was approved, subject to a deferred commencement and relevant conditions.

27 April 2018

MOD2017/0344 of consent N0182/13 was granted consent under the provisions of Section 96 (AA) of the EPA Act 1979. The modified consent approved changes to the staging of the development and related conditions of consent N0182/13.

3 December 2019

A withdrawal letter was sent to the Applicant for this application (DA2019/1147) based on lack of information provided - the excavation required for the proposed swimming pool exceeds 1.5m, and as such, a Geotechnical Report is required. The Applicant did not provide a Geotechnical Report to satisfy the requirements of B8.1 of P21 DCP. The Applicant has requested the proposed swimming pool be deleted from the plans. Should the application be approved a condition of consent will be recommended to ensure the proposed swimming pool is deleted from the approved plans, prior to the issue of the Construction Certificate.

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)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<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) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature</p>

Section 4.15 Matters for Consideration'	Comments
	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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal, in terms of landscape outcome is acceptable, subject to conditions.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D16.5 Landscaped Area for Newly Created Individual Allotments</p> <p>A Landscape Plan is provided with the development application, and this satisfies DA Lodgement Requirements. No Arboricultural Impact Assessment report is required as the does not contain any trees of significance.</p> <p>Existing street trees within the road reserve fronting development sites must be protected during all stages of works.</p>
NECC (Bushland and Biodiversity)	<p>The lot was created as part of an approved subdivision within the Warriewood Valley release area. The site has been previously cleared and is not within or interface with the riparian zone or portion of the parent lot mapped as Biodiversity under the Pittwater LEP 2014. No</p>

Internal Referral Body	Comments
	<p>native trees or vegetation are to be impacted by the proposal. The proposal is consistent with biodiversity controls.</p> <p>Council's Natural Environment - Biodiversity section raises no objections to the proposed development.</p>
NECC (Development Engineering)	<p><u>Original Referral Comments:</u> <u>Geotechnical Risk Management</u> Insufficient information has been provided to demonstrate compliance with Council's Pittwater Geotechnical Risk Management Policy relating to the potential impact of excavation on land stability. The application is to be accompanied by a Geotechnical Report and certified forms as proposed excavation depth for swimming pool is greater than 1.5 m.</p> <p>The proposed application can not be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> • Excavation for the development in accordance with Pittwater 21 DCP Clause B8.1 Construction and Demolition: Excavation and Landfill <p><u>Updated Referral Comments:</u> Additional Information Received on 03/12/2019.</p> <p>The applicant requested to delete swimming pool from proposed plans. Thus, Geotechnical Assessment Report is not required for the development.</p>
NECC (Water Management)	<p>This application has been assessed for compliance with the Water Management Report Rev 7 for 41 Warriewood Road and the Warriewood Valley Water Management Specification. The lot is limited to 65% impervious area.</p> <p>Water management has largely been dealt with under the subdivision application.</p> <p>The sediment controls are adequate, and they have the appropriately sized rainwater tank for the subdivision. Sediment and erosion controls must be installed prior to any work on site and maintained until work is complete and groundcover re-established. Due to there being an online bio-retention water treatment basin, particular care should be taken to ensure sediment does not wash into the gutter, as the residents will be responsible for cleaning sediment out of the basin in future.</p>
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1042701S on 27 September 2019).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Pass
Energy	50	59

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

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:	10.5m	7.5m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	5m Articulation zone	5.6m Articulation zone	N/A	Yes
	6.5m Garage	6.6m Garage	N/A	Yes
	6.5m Dwelling	6.6m Dwelling	N/A	Yes
Rear building line	4.0m Ground level	4.1m Ground Level	N/A	Yes
	6m Upper level	6.6m Upper Level	N/A	Yes
Side building line	2.5m	2.5m	N/A	Yes

	(northern boundary)			
	0.9m (southern boundary)	1.0m	N/A	Yes
Landscaped area	45% (184.86m ²)	37.73% (155.0m ²) (based upon the deletion of the swimming pool)	16.15%	No

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
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
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	No	No
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The proposed enclosed double garage achieves compliance with the minimum requirement for a dwelling with two (2) or more bedrooms, in relation to the number of spaces, but not in relation to the required dimensions. The control requires a internal dimensions to achieve a minimum width of 5.7m and a depth of 6.0. The development proposes internal dimensions of a width of 5.6m and a depth of 5.9m.

While this is numerically non-compliant with Council's controls, the internal dimensions of the garage are compliant with the current Australian Standards for an enclosed double garage, and are therefore acceptable.

D16.5 Landscaped Area for Newly Created Individual Allotments

Requirement:

45% or 184.86m²

Proposed:

37.7% or 155.0m² (based upon the deletion of the swimming pool)

The proposed development will result in a minor non-compliance to this control, representing a variation of 16.15%. There are areas within the site that will facilitate the infiltration of stormwater runoff. However, due to the minimum dimensions of 4m, these areas are not included in the calculation of overall landscaped areas on the site.

Under *Pittwater Local Environmental Plan (PLEP) 2014*, landscaped area is defined as a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. When applying this definition to the calculation of landscaped area for the site (that is, by including areas with a dimension of less than 4m), the total landscaped area is increased to 200.0m² or 48.68%.

Additionally, to reduce the impervious area on the site, a mulched pathway (with an area of 12.4m²) is proposed between the southern side boundary line and the dwelling to facilitate access to the rear of the site. This mulched pathway will further increase the landscaped area to 212.4m² or 51.7%. The mulched pathway is considered to be a pervious surface which will facilitate the infiltration of stormwater runoff to the ground water table, which is one of the outcomes of this control.

The landscaped area will be enhanced by the planting of native species canopy trees within the front setback. The proposed planting will assist in integrating the newly built structure with the surrounding natural environment of Warriewood Valley and the anticipated streetscape of Warriewood Road.

While the proposal is numerically non-compliant with the minimum landscaped area requirements, it is consistent with the outcomes of the control and is, therefore, supported on merit.

D16.13 Building colours and materials

The proposed colour schedule provided is non-compliant with Council's external building colours. The proposed render colour 'Babbling Stream' and the 'Perisher White' proposed for the garage door are too light to achieve compliance with the dark and earthy tones required under this control. The light shades proposed for the fascias, gutters, downpipes, windows and doors are acceptable.

A condition of consent is recommended to ensure that, prior to the issue of the Construction Certificate, the proposed colour schedule is amended to reflect darker tones for the external rendering and garage door. The external wall and garage colours are to have a medium-dark range (BCA classification M & D). The amended chosen colours should be approved at the discretion of the Certifying Authority.

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.

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 DA2019/1147 for Construction of a dwelling house including swimming pool on land at Lot 9 DP 1206507, 41 Warriewood Road, 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
01 Site Plan	26 September 2019	Wincrest Group Pty Ltd
02 Ground Floor Plan	26 September 2019	Wincrest Group Pty Ltd
03 First Floor Plan	26 September 2019	Wincrest Group Pty Ltd
04 Elevation A & B	26 September 2019	Wincrest Group Pty Ltd
05 Elevation C & D	26 September 2019	Wincrest Group Pty Ltd
06 Section A-A & Window and Door Schedule	26 September 2019	Wincrest Group Pty Ltd

Engineering Plans		
Drawing No.	Dated	Prepared By
15 Soil, Sediment and Site Management Plan	26 September 2019	Wincrest Group Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate 1042701S	27 September 2019	Energi Thermal Assessors Pty Ltd

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L/01 Proposed Landscape Plan	9 October 2019	A Total Concept - Landscape Architects & Swimming Pool Designers

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	16 October 2019	Wincrest Group Pty Ltd

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.

2. **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.

3. **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.

FEES / CHARGES / CONTRIBUTIONS

4. 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).

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

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

5. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to an existing inter-allotment drainage easement.

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

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

6. Amendments to the Approved Plans

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

- The swimming pool is to be deleted from all plans prior to the issue of the Construction Certificate.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

7. Vehicle Driveway Gradients

The Applicant is to ensure driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in this consent.

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

Reason: To ensure suitable vehicular access to private property.

8. Vehicle Crossings Application

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

9. Rainwater Tank Installation & Use

A 3000 litres rainwater tank for non-potable purposes is to be installed and used as part of an integrated on-site Stormwater management system.

The non-potable purposes are prescribed in the NSW Code of Practice for Plumbing and Drainage and include toilet flushing, garden irrigation, car washing and cold water laundry.

Reason: To ensure the appropriate rainwater tank is installed for the development.

10. 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.

11. External Colours and Finishes

The external colours and finishes shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To reduce visual impact as a result of the development.

12. **Boundary Survey**

A Boundary Survey is to be conducted of the subject site prior to the issue of a Construction Certificate. The Boundary Survey is to be prepared and signed by a registered surveyor.

Reason: to ensure the proposed works are contained wholly within the subject site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Road Reserve**

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

Reason: Public safety.

14. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

15. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/3 NL and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

16. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction

stages. All existing tree guards shall be maintained in place. Any street tree damaged or removed shall be replaced in accordance with guidelines provided by Council.

Reason: To retain and protect tree planting on development sites.

17. Waste Management During Works

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

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

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

18. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Wincrest Group.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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

19. Landscape Works

Landscaping is to be completed in accordance with the Landscape Plans numbered L/01, L/02, and L/03, as prepared by A Total Concept Landscape Architects, inclusive of the following requirements:

- i) All tree planting shall be installed at a minimum 75 litre container size,
- ii) The two (2) proposed canopy trees shall each have a minimum area of 3 metres x 3 metres contained wholly within the site, and are to be located a minimum of 5 metres from existing and proposed built structures,
- iii) Shrub planting to a mature height of at least 1 metre along the front boundary shall be included to soften the built form, consisting of planting at 200mm pot container size, planted no more than 1 metre apart,
- iv) Fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation such as low hedges, garden beds or the like.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and the conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity and ensure appropriate landscape treatment to soften the built form.

20. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

21. **House / Building Number**

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

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

Reason: Proper identification of buildings.

22. **Waste Management Confirmation**

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

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

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

23. **Landscape Maintenance**

All landscape components are to be maintained for the life of the development. A 12-month landscape establishment program is to be undertaken for all planting. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form.

24. **Environmental and Priority Weed Control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: Preservation of environmental amenity.

25. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

26. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation

must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

27. **Domestic Animals Exclusion**

For the life of the development, cats are to be kept in a cat run and/or inside the dwelling such that they are prevented from entering wildlife habitat areas at all times. Dogs are to be kept in an enclosed area such that they cannot enter areas of bushland, unrestrained, on surrounding properties.

Reason: Wildlife protection

28. **Finished Works**

The proposed 1.8m high lapped and capped fence, all other built structures and associated landscaping are to be contained wholly within the property boundaries of 41 Warriewood Road, Warriewood.

Reason: To ensure construction is wholly on the subject site.

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

Signed



Megan Surtees, Planner

The application is determined on 09/12/2019, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager