

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0074
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Responsible Officer:	Olivia Ramage
Land to be developed (Address):	Lot 20 DP 271326, 20 Raven Circuit WARRIEWOOD NSW 2102
Proposed Development:	Construction of a dwelling house
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	The White Project Co. Pty Ltd

Application Lodged:	12/03/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	19/03/2025 to 02/04/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 454,600.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development consists of the construction of a dwelling house. The proposed dwelling comprises a ground floor providing a garage, media room, bathroom, laundry, family room, alfresco dining room, kitchen and pantry. The first floor provides a master bedroom with balcony, walk-in-robe and ensuite, 3 bedrooms, bathroom and a rumpus room.

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 Local Environmental Plan 2014 - 7.1 Acid sulfate soils
 Pittwater 21 Development Control Plan - D16.6 Front building lines
 Pittwater 21 Development Control Plan - D16.13 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 20 DP 271326 , 20 Raven Circuit WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Raven Circuit.</p> <p>The site is regular in shape with a frontage of 9.5m along Raven Circuit and a depth of 27.3m. The site has a surveyed area of 259.3m².</p> <p>The site is located within the R3 Medium Density Residential zone under the PLEP 2014 and is currently vacant.</p> <p>The site is generally flat.</p> <p>The site does not contain any significant vegetation, and there are no details of any threatened species on the subject site.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by dwelling houses and vacant allotments subject to future development.</p>

Map:



SITE HISTORY

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

- **DA2019/0887** - Development Application for Subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots. Approved on 28 July 2020.
- **Mod2020/0458** - Modification Application for Modification of Development Consent DA2019/0887 granted for subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots. Refused on 3 December 2020.
- **Mod2021/0654** - Modification Application for Modification of Development Consent DA2019/0887 granted for subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots. Approved on 9 February 2022.
- **SWC2021/0010** - Subdivision Works Certificate for Subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots. Approved on 11 October 2021 by External Certifier.
- **Mod2022/0195** - Modification Application for Modification of Development Consent DA2019/0887 granted for Subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots. Approved on 25 May 2022.
- **SC2022/0026** - Subdivision Certificate for Subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots. Approved on 14 July 2022.
- **FOC2022/0240** - Occupation Certificate for Subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots - Civil Works Only. Approved on 4 July 2022 by External Principal Certifier.

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	There are no current draft environmental planning instruments.
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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to acid sulfate soils.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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>
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>(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</p>

Section 4.15 Matters for Consideration	Comments
	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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 19/03/2025 to 02/04/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p>General Comments</p> <p>The development relates to land classified as class 3 acid sulphate soils. It is reasonable presumed that foundation work will be required for such elements as footings and thee like as well as drainage, which ill involving soil disturbance. No preliminary investigation into the presence of actual or potential acid sulphate soils has been undertaken</p> <p>Until such time as investigation into the potential presence if acid sulphate soils has been undertaken, the proposal is not supported</p> <p><u>12/05/2025 - Amended Comments</u></p> <p>The applicant has provided amended information in the form of</p>

Internal Referral Body	Comments
	<p>an Acid Sulphate Soils Assessment Report report which references field sampling and testing for the presence of acid sulphate soils.</p> <p>The report concludes that an acid sulphate soils management plan is not required.</p> <p>The proposal is supported with a recommended condition to notify should evidence of acid sulphate soils become apparent during the course of works.</p> <p>Recommendation</p> <p>APPROVAL - Subject to conditions</p>
Landscape Officer	<p>Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls (but not limited to):</p> <ul style="list-style-type: none"> • B4.22 Preservation of Trees and Bushland Vegetation • C1.1 Landscaping • D16 Warriewood Valley Locality, and in particular D16.1 Character as viewed from a public place, D16.5 Landscaped Area for Newly Created Individual Allotments, D16.6 Front building lines, and D16.12 Fences <p>The property is a vacant lot with no existing trees within the property boundaries. Existing street trees are present within the road verge of Raven Circuit as part of subdivision works, and all shall be protected, including the street tree fronting the property, and not impacted by construction activities including deliveries, and protection is subject to conditions of consent.</p> <p>The submitted Landscape Plan A1.15 does not provide adequate landscape setting outcomes as documented and requires amendment to satisfy D16.5 Landscaped Area for Newly Created Individual Allotments, and the following landscape requirements shall be included in the Landscape Plan as amended:</p> <ul style="list-style-type: none"> • to the rear boundary a 1.0 metres wide garden bed shall be included to support planting to achieve at least 3.0 metres in height at maturity, • to the rear of the property one small tree to achieve at least 6.0 metres in height shall be located to reduce built form and provide landscape amenity, • the proposed front of property shall be landscaped in accordance with the Landscape Plan, subject to conditions, including the provision of tree planting, and the provision of a 1.0 metre wide garden bed for shrub planting, • documentation of existing street tree retention and protection requirements, • no front fences are permitted to satisfy D16.1 and D16.12. <p>The Stormwater Plans are noted and do not impact the provision of the landscape setting outcomes.</p>

Internal Referral Body	Comments
	Subject to the provision of a Landscape Plan as amended by conditions, Landscape Referral raise no concerns.
NECC (Bushland and Biodiversity)	The potential biodiversity impacts of the residential subdivision that created the subject lot have been previously addressed and determined. The subject site has been cleared of vegetation, and the proposed dwelling is designed, sited and will be managed to avoid an adverse impact to the ecological integrity and resilience of the adjacent coastal wetland (clause 2.8 State Environmental Planning Policy (Resilience and Hazards) 2021).
NECC (Development Engineering)	The proposed development is in the Warriewood Valley of Region 1 and is subject to the requirements of the Warriewood Valley Urban Land Release Water Management Specification. On-site detention requirements are addressed in the Stormwater Management plans. A vehicle crossing has been provided as part of the subdivision works. Development engineering raises no objections to the proposed development, subject to conditions.
NECC (Flooding)	This property is no longer identified as flood affected because the land was filled to the PMF level as part of the subdivision of 2 Macpherson St. Details are in the Flood Impact Assessment Report by Cardno (5.12.2019). There are no applicable flood related development controls. The proposal is therefore supported.
NECC (Riparian Lands and Creeks)	Supported. This application was assessed in consideration of: <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Resilience and Hazards) 2021; • Warriewood Valley Urban Land Release Water Management Specification 2001; and • Relevant LEP and DCP clauses. The proposal is on land identified as proximity area for coastal wetlands and as such the development must not significantly impact on the biophysical, hydrological or ecological integrity of the coastal wetland, or the quantity and quality of surface and ground water flows that it receives. Appropriate sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established. On assessment, no objections regarding riparian lands and creeks.
Strategic and Place Planning (Development Contributions)	This DA involves a construction of new single dwelling on a newly created residential lot. This lot is part of the subdivision that was approved under consent DA2019/0887, to which development contributions for the residential allotments have already been paid under the subdivision consent. No contributions are owing or required for this 2025 application for a dwelling house.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that there are no Ausgrid assets present near the proposed development.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1779168S dated 24 December 2024).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 1 Coastal Wetlands and littoral rainforest area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- 1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment:

The proposal has been reviewed and supported by Council's Riparian Lands and Creeks Team and Bushland and Biodiversity Team. The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed development is not likely to cause increased risk of coastal hazards.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The proposal has been reviewed against all relevant legislation and policies.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been vacant 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

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	8.1m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
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

Detailed Assessment

7.1 Acid sulfate soils

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

The site is located in an area identified as Acid Sulfate Soil Class 3, as indicated on Council's Acid Sulfate Soils Planning Map.

Works at depths beyond 1.0m below the natural ground surface and/or works by which the watertable is likely to be lowered more than 1.0 metre below the natural ground surface within a Class 3 acid sulfate soil area are required to be assessed to determine if any impact will occur.

The development proposes to excavate the site to approximately 0.635m below the natural ground level for the proposed OSD. As such, a Preliminary Acid Sulfate Soil Assessment has been undertaken by Core Geotech dated 23 April 2025. The report states:

The recorded pHf/pHfox test results show that natural alluvium soils below the fill could contain potential acid sulphate soils if exposed to air during excavation, necessitating treatment before disposal at a waste management facility. However, according to the supplied drawings, the maximum depth of excavation for the proposed OSD is approximately 0.635m. Consequently, it is unlikely that any excavation of alluvial soils will occur. Therefore, acid sulphate soils management is not required.

In this regard, Core Geotech advise that an Acid Sulfate Soil Management Plan (ASSMP) is not considered to be necessary for the development of the site. The Preliminary Assessment was referred to Council's Environmental Health Officer who concurred with the findings and imposed a condition which requires the applicant to notify the principal certifying authority of any new evidence of the presence of acid sulfate soils.

This condition and the recommendations made in the Preliminary Assessment have been included in the recommendation of this report.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m (Articulation Zone)	-	-	Yes
	4m (Garage/Carport)	6m	-	Yes
	5.5m (Dwelling with Tandem Carparking)	Ground Floor: 7.0m First floor: 5.0m-5.5m	- 9.1%	Yes No
Rear building line (Front loaded lots greater than or equal to 20m deep)	4m (Ground Level)	6m	-	Yes
	6m (Upper Level)	6.1m	-	Yes
Side building line (Zero lot line dwelling 9 to 14m wide)	One side (North): 0m at ground floor for a maximum wall length of 13m. The remaining portion of the ground floor dwelling is to setback 0.9m. 1.5m (Upper Level)	Garage: 0.2m for 7.5m Ground Floor: 1.4m First Floor: 1.5m	- - -	Yes Yes Yes
	Other side (South): 0.9m	Ground Floor 1.0m First Floor: 1.1m	- -	Yes Yes
Landscaped area	35% (4m minimum dimension)	36.6 % (94.9sqm)	-	Yes

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
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	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
C1.3 View Sharing	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
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	Yes	Yes
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.8 Spatial Separation	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
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	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

D16.6 Front building lines

Description of Non-compliance

Clause D16.6 Front building lines stipulates the following front setback requirements:

Articulation Zone: 1.5m

Garage/Carport: 4.0m

Dwelling: 5.5m (tandem parking)

The proposed garage is setback 6.0m from the front boundary which complies. The proposed dwelling is setback 6.0m from the entry porch and 7.0m from the ground floor. The proposed first floor is setback 5.5m from the balcony which complies and 5.0m from the master bedroom which does not comply.

Merit Consideration

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

- *To achieve the desired future character of the Locality.*

Comment:

The proposal provides a two storey dwelling that is commensurate to the surrounding environment and achieves the desired future character of the Locality.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment:

The proposed development requires minimal site disturbance and excavation which is limited to the footprint of the proposed dwelling. The proposal maximises soft surface providing a compliant quantum of landscaped area.

- *The bulk and scale of the built form is minimised.*

Comment:

The proposal provides a well-articulated dwelling house through varied setbacks, recessed elements and the inclusion of a front-facing balcony. The minor non-compliant front setback of the master bedroom is off-set by increased front setbacks at the ground floor and rest of the first floor. Furthermore, the proposed dwelling provides compliant side and rear setbacks and achieves a compliant quantum of landscaped area. As such, the bulk and scale of the built form is minimised.

- *To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.*

Comment:

The proposed dwelling is consistent with the built form alignment of approved surrounding development whereby the minor non-compliance will have no discernible impact on the

streetscape. Suitable tree planting is provided within the front setback along with landscaped areas in compliance with the requirements.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

The proposal does not impact on views and vistas to and/or from public/private places.

- *Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.*

Comment:

The site is currently a vacant lot as a result of a recent subdivision and the proposal seeks to enhance natural features through the provision of new landscaping. Council's Landscape Officer has reviewed and supported the proposal subject to the recommended conditions including additional plantings. As such, the proposal enhances the natural features of the site through a landscape design that screens the visual impact of the built form.

- *Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.*

Comment:

The proposal provides a tandem parking arrangement which assists to minimise the visual prominence of parking structures in the streetscape.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment:

The proposal provides side and rear setbacks in excess of the requirements providing ample spatial separation between adjoining properties. This ensures a reasonable level of privacy, amenity and solar access is provided and maintained.

Having regard to the above assessment, it is considered that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D16.13 Building colours and materials

Description of Non-compliance

This control stipulates that external colours and materials shall be natural tones such as green, brown and dark earthy colours. White, light coloured, red or orange roofs and walls are not permitted.

The proposed colours and finishes include the roof, gutters, fascia and downpipes as 'Colorbond Dover White' and the first floor external walls as 'Dulux Lexicon' which is a light white colour. The rest of the external finishes are dark grey shades that are permitted by this control.

A condition has been recommended to ensure the roof meets the requirements of the BASIX Certificate and minimises solar reflections to neighbouring properties. The roof shall have a Solar Absorptance (SA) between 0.48-0.59 in accordance with the BASIX Certificate requirements.

It is noted that surrounding approved dwellings including the adjoining dwelling at 19 Raven Circuit comprise a lighter colour scheme with white walls. As such, the external walls, gutters, fascia and downpipes can remain light in colour given their compatibility with surrounding development.

Merit Consideration

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

- *Achieve the desired future character of the Locality.*

Comment:

The proposal provides a low density dwelling house that is consistent with the desired future character of the Locality.

- *The visual prominence of the development is minimised.*

Comment:

The proposed dwelling is generally compliant with the built form controls which assists with minimising the visual prominence of the development.

- *To ensure building colours and materials complement and enhance the visual character of the buildings location within the natural landscapes of Pittwater.*

Comment:

The schedule consists of a combination of dark and light colours including cladding which overall is considered to complement both the natural landscapes of Pittwater and the surrounding built environment.

- *Colours and materials of the development harmonise with the natural environment/escarpment.*

Comment:

The balance of colours and materials proposed will aid in the harmonisation of the natural environment/escarpment.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment:

The building façade provides a mix of materials and colours to provide visual interest. The submitted schedule is consistent with previously approved dwellings in this immediate vicinity.

Having regard to the above assessment, it is considered that the proposed development is consistent

with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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 2021;
- 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 DA2025/0074 for Construction of a dwelling house on land at Lot 20 DP 271326, 20 Raven Circuit, WARRIEWOOD, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A1.4	R05	Site Analysis	The White Project	23 January 2025
A1.4.2	R05	Site Plan	The White Project	23 January 2025
A1.5	R05	Ground Floor Plan	The White Project	23 January 2025
A1.6	R05	First Floor Plan	The White Project	23 January 2025
A1.7	R05	Roof Plan	The White Project	23 January 2025
A1.8	R05	Elevation Sheet 1	The White Project	23 January 2025
A1.9	R05	Elevation Sheet 2	The White Project	23 January 2025
A1.10	R05	Material Schedule	The White Project	23 January 2025
A1.11	R05	Sections	The White Project	23 January 2025
A1.15	R05	Landscape Plan	The White Project	23 January 2025
C001	A	Concept Stormwater Drainage Plan / Notes	SDS Engineering	22 January 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BASIX Certificate	1779168S	William Wong	24 December 2024

Waste Management Plan	A	The White Project	27 January 2025
Acid Sulphate Soils Assessment Report	0	Core Geotech	23 April 2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

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 Certifier 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 Certifier 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 Certifier 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.

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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:

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

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

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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 2018
- (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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Amended Landscape Plan

An Amended Landscape Plan, based on plan A1.15, shall be issued to the Principal Certifier prior to the issue of a Construction Certificate to include the following details:

- a) to the rear boundary a 1.0 metres wide garden bed shall be documented and shall support dense shrub screen planting to achieve at least 3.0 metres in height at maturity, and plants are to be installed at minimum 900mm intervals and be of a minimum container size of 200mm,
- b) to the rear of the property one locally native tree to achieve at least 6.0 metres in height shall be located, and tree planting shall be a minimum pre-ordered planting size of 45-75 litres; located at least 3.0 metres from buildings or more; and at least 1.5 metres from common boundaries; and located within a prepared bed within lawn or an extended garden bed for the tree planting,
- c) to the front boundary within the property a 1.0 metres wide garden bed shall be documented and shall support dense shrub screen planting to achieve at least 2.0 metres in height at maturity, and plants are to be installed at minimum 900mm intervals and be of a minimum container size of 200mm,
- d) to the front setback one locally native tree to achieve at least 6.0 metres in height shall be located, and tree planting shall be a minimum pre-ordered planting size of 45-75 litres; located at least 3.0 metres from buildings or more; and at least 1.5 metres from common boundaries; and located within a prepared bed within lawn or an extended garden bed for the tree planting,
- e) all tree planting shall be selected in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines,
- f) the existing street tree shall be documented for retention and protection,
- e) no front fences are permitted to satisfy forward of the front building line.

Certification shall be submitted to the Principal Certifier that these amendments have been documented.

Reason: Landscape amenity.

6. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by SDS Engineering, job number 250018, dated 22.01.2025. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- Provision of a minimum of twelve thousand (12,000) litres of on-site detention storage, with flows attenuated by a 40mm orifice.

- Provision of access to the underground storage tank accessible at all times and with adequate ventilation.
- Provision of step irons.
- Other requirements in accordance with the Water Management for Development Policy.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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

7. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

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

Reason: To protect the receiving environment.

8. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

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 Certifier prior to the issue of the Construction Certificate.

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

10. **External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) between 0.48-0.59 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

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

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

11. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and

- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

DURING BUILDING WORK

13. Requirement to notify about new Acid Sulfate Soils evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

14. Protection of Existing Street Trees

All existing street trees in the vicinity of the works and the street tree at the development site frontage shall be retained during all construction stages and thereafter. Existing tree guards shall be maintained in place. Should the existing tree guard be damaged during works, tree protection fencing consisting of a four sided 1.8m high x 2.4m length standard wire mesh construction fence, in accordance with Australian Standard AS 4687-2007: Temporary Fencing & Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture shall be installed around the tree for the duration of the works. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

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

15. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation located on adjoining properties,
- ii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites,
- ii) the following arboricultural requirements shall be adhered to unless authorised by an Arborist with minimum AQF level 5 qualifications: existing ground levels shall be maintained within the tree protection zone of trees to be retained; removal of existing tree roots at or >25mm (Ø) diameter is not permitted; 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; and structures are to bridge tree roots at or >25mm (Ø) diameter,
- iii) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- iv) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- v) 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.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken as complaint to AS4970-2009 Protection of trees on development sites.

Reason: Tree and vegetation protection.

16. **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.

17. **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 Certifier.

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

18. **Maintenance of Sediment and Erosion Controls**

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

19. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

20. **Landscape Completion**

- a) Landscape works are to be implemented in accordance with the approved Amended Landscape Plan, including:
- i) to the rear boundary a 1.0 metres wide garden bed shall be documented and shall support dense shrub screen planting to achieve at least 3.0 metres in height at maturity, and plants are to be installed at minimum 900mm intervals and be of a minimum container size of 200mm,
 - ii) to the rear of the property one locally native tree to achieve at least 6.0 metres in height shall be located, and tree planting shall be a minimum pre-ordered planting size of 45-75 litres; located at least 3.0 metres from buildings or more; and at least 1.5 metres from common boundaries; and located within a prepared bed within lawn or an extended garden bed for the tree planting,
 - iii) to the front boundary within the property a 1.0 metres wide garden bed shall be documented and shall support dense shrub screen planting to achieve at least 2.0 metres in height at maturity, and plants are to be installed at minimum 900mm intervals and be of a minimum container size of 200mm,
 - iv) to the front setback one locally native tree to achieve at least 6.0 metres in height shall be located, and tree planting shall be a minimum pre-ordered planting size of 45-75 litres; located at least 3.0 metres from buildings or more; and at least 1.5 metres from common boundaries; and located within a prepared bed within lawn or an extended garden bed for the tree planting,
 - v) all tree planting shall be selected in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines,
 - vi) the existing street tree shall be documented for retention and protection,
 - vii) no front fences are permitted to satisfy forward of the front building line.
- b) Landscape works are to be contained within the legal property boundaries.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

21. **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 Certifier prior to the issue of an Occupation Certificate.

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

22. **Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and

- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

23. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a Registered Surveyor), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

24. **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 Certifier prior to the issue of an Occupation Certificate.

Reason: Proper identification of buildings.

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

25. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Amended Landscape Plan and any conditions of consent.

The approved landscape planted areas consisting of lawn, planting at grade, planting on structure shall in perpetuity remain as planting under the development consent and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

26. **Maintenance of Stormwater Treatment Measures**
Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: To protect the receiving environment.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

27. **Works as Executed Drawings - Stormwater Treatment Measures**
Works as Executed Drawings for the stormwater treatment measures must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council Stormwater Assets.

The drawings shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

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

Signed



Olivia Ramage, Planner

The application is determined on 12/05/2025, under the delegated authority of:



Adam Richardson, Manager Development Assessments