



DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0387
----------------------------	-------------

Responsible Officer:	Georgia Quinn
Land to be developed (Address):	Lot 21 DP 270907, 28 Baz Retreat 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
Owner:	Dean Mitchell Garvey Cassandra Willson
Applicant:	PCL & APR Pty Ltd T/As Icon Homes

Application Lodged:	22/04/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	01/05/2020 to 15/05/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 423,220.00
---------------------------------	---------------

PROPOSED DEVELOPMENT IN DETAIL

This application seeks consent for the construction of a one and two storey dwelling house with an attached double garage 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 - D16.5 Landscaped Area for Newly Created Individual Allotments

Pittwater 21 Development Control Plan - D16.6 Front building lines

Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

Pittwater 21 Development Control Plan - D16.12 Fences

SITE DESCRIPTION

Property Description:	Lot 21 DP 270907 , 28 Baz Retreat WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Baz Retreat.</p> <p>The site is regular in shape with a slightly arched frontage of 14.2m along Baz Retreat and a depth of 25.0m. The site has a surveyed area of 302.6m².</p> <p>The site is located within the R3 Medium Density Residential zone and is currently a vacant allotment; the result of a recent subdivision.</p> <p>The site has a minor crossfall from north to south (ie. rear to front) of approximately 1m.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by recently constructed free-standing dwelling houses and empty allotments not yet developed upon.</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:

Development Application N0182/13

This application for the 40 lot subdivision of existing sites and demolition of existing structures was refused on 30 December 2013.

Appeal of Development Application N0182/13

An appeal of development application N0182/13 was upheld with the Land and Environment Court of NSW and the application was approved through orders of the Court arising from a conciliation conference process conducted pursuant to Section 34 of the Land and Environment Court Act 1979, on 15 October 2014.

Subdivision Certificates SC2018/0058 & SC2018/0060

These Subdivision Certificates were approved by Council on 12 March 2019.

Land Registration

The subject allotment was registered with Land Titles (NSW Lands and Property Information Office) on 20 March 2019.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 Matters for Consideration'	Comments
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)	<p><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.</p> <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. Additional information was requested in relation to the survey.</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 matter has been addressed via a condition of consent.</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 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 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>
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 The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
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 Matters for Consideration'	Comments
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 for the erection of a new dwelling and associated works, in terms of landscape outcome is acceptable, subject to conditions on the completion of landscaping.</p> <p>Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls: C1.1 Landscaping D16 Warriewood Valley Locality D16.5 Landscaped Area for Newly Created Individual Allotments D16.12 Fences</p> <p>A Landscape Plan is provided with the development application. The Landscape Plan provides compliance to D16.5 Landscaped Area for Newly Created Individual Allotments requirements in terms of tree planting, and conditions of consent shall be imposed on appropriately locating such tree planting.</p> <p>No Arboricultural Impact Assessment report is provided, nor required in this instance. The site does not contain any trees of significance. No street trees are in the vicinity of the site along this side of the road and a footpath occupies the majority of the road verge.</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. The development will not have a significant effect on biodiversity and therefore no further assessment is required.</p>
NECC (Development Engineering)	<p>No objections to the proposed dwelling subject to conditions.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>Civil works to enable the subdivision of the subject allotment have appropriately managed flood risk to ensure that the subject property is not subject to flood controls.</p>

Internal Referral Body	Comments
NECC (Water Management)	This application has been assessed for compliance with the Water Management Report for the subdivision of 29-31 Warriewood Road, prepared by Civil Cert and dated 1/1/2018. Site coverage is less than the maximum 65% allowed under the WMR and the stormwater plan meets requirements. Sediment controls are crucial to prevent sediment entering the stormwater network and impacting the bio-retention basin on the site, which will be responsibility of the property owners to clean. Sediment and erosion controls must be installed prior to disturbing any soil on site and maintained until all work is complete and groundcover re-established.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response in an email stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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. 1084965S, dated 5 March 2020).

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

Commitment	Required Target	Proposed
Water	40	43
Thermal Comfort	Pass	Pass
Energy	50	54

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. A standard response has been received and the recommendations have been included as conditions of consent.

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	Complies
Height of Buildings:	10.5m	7.6m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.3 Flood planning	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	1.5m <i>Articulation zone</i>	2.0-3.1m <i>Porch</i>	N/A	Yes
	4m <i>Garage</i>	3.9-4.8m <i>Garage</i>	2.5% (0.1m)	No
	3m <i>Dwelling</i>	3.1-4.6m <i>Dwelling</i>	N/A	Yes
Rear building line	4m <i>Ground floor</i>	3.9m <i>Ground floor</i>	2.5% (0.1m)	No
	6m <i>First floor</i>	5.3m <i>First floor</i>	11.7% (0.7m)	No
Side building line	0.9m <i>Ground floor</i>	1.3m	N/A	Yes
	1.5m <i>First floor (East)</i>	1.5m	N/A	Yes
	0.9m <i>Ground floor</i>	0.8m <i>Pillar</i>	11.1% (0.1m)	No
	1.5m <i>First floor (West)</i>	2.7m	N/A	Yes
Landscaped area	45% (136.2m ²) <i>Minimum dimension 4m</i>	24.2% (73.3m ²) <i>Minimum dimension 4m</i>	46.2%	No
		42.7% (129.3m ²) <i>Inclusive of all landscaped areas</i>	5.1% (6.9m ²)	No

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
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	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
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	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	No	Yes
D16.7 Side and rear building lines	No	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	No	N/A
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

D16.5 Landscaped Area for Newly Created Individual Allotments

Description of non-compliance

The Control requires a minimum of 45% (136.2m²) of the total site area to be provided as landscaped area, with a minimum dimension of 4m. Due to the size of the allotment, it is considered reasonable to include all areas of landscaping despite minimum dimensions. In this respect, the proposal provides 42.7% (129.3m²) of landscaped area, which represents a variation of 5.1% (6.9m²).

Merit consideration

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

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

Comment:

The site forms part of a recent subdivision and currently contains no significant natural features. As a result of this application, sufficient landscape treatment will be provided in the form of canopy trees and shrubs (as per the provided Landscape Plan: Sht-101, Rev. B, dated 11/02/2020).

- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment:

The front portion of the site is sufficiently landscaped with a combination of two (2) native trees and medium sized shrubs that will in turn serve to soften the built form of the development whilst also providing a high quality landscape character for the streetscape.

- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*

Comment:

The proposed landscape treatment will contribute to the enhancement of biological diversity and ecological outcomes. The minor contravention of the control is not considered likely to hinder the sustainability of the site's landscaping, given there is sufficient deep soil areas to facilitate vegetation growth.

- *The area of site disturbance is minimised.*

Comment:

The degree of excavation required to facilitate the proposed development is minor, and the completion of the landscape treatment will not be hindered by such.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment:

The application has been reviewed by Council's Development Engineer having regard to provisions of Stormwater Management and has raised no objection to the proposal subject to conditions.

- *Landscaped areas should be predominately areas of deep soil.*

Comment:

The rear yard provides a significant area of deep soil, which remains suitable for the planting of canopy trees and shrubs, as does the front yard. To enhance the area of deep soil and the overall landscaped area total, a condition of consent has been imposed requiring the paved path in the rear yard to be removed and form part of the turfed lawn area.

- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment:

The site is currently an empty allotment containing no vegetation, therefore the landscape treatment proposed as part of this application will provide a significant enhancement for the streetscape and the surrounding neighbourhood. In turn, the built form will be appropriately softened and screened as viewed from the public domain.

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

Comment:

The proposed development is centrally sited within the allotment, with its areas of private open space oriented toward the rear of the site so as to protect amenity. The side elevations of the dwelling contain minimal window openings of which some are to be finished in an obscured glaze to further enhance visual privacy for the dwelling occupants and those of adjoining and surrounding properties. The proposed landscape treatment will also aid the protection of amenity by mitigating opportunities of overlooking. In turn, the development is considered to provide reasonable amenity within the development site and neighbouring properties.

Having regard to the above assessment, it is concluded 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.

D16.6 Front building lines

Description of non-compliance

The Control requires garages to be setback 4m from the front boundary. The proposed garage is setback 4.0m from the frontage, however a pillar located on the western side of the garage is setback 3.9m, which represents a variation of 2.5% (0.1m).

Merit consideration

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

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

Comment:

The desired future character of the locality is considered to be achieved, notwithstanding the minor breach to the front setback Control.

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

Comment:

The minor encroachment of the pillar does not impact upon the soft surface area of the site, as it is sited atop of the driveway. Further, the area of site disturbance is also not impacted as a result of this minor contravention.

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

Comment:

The pillar that contravenes the front setback requirement provides articulation for the built form, such that the visual dominance is broken down as a result. Further, the built form is modulated as a result of varying setbacks as the build increases in height and the provision of landscape treatment will furthermore soften the built form. In turn, the development is considered to be of a minimised bulk and scale.

- *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 development is sited centrally within the allotment and aside from the pillar on the western side of the garage, the dwelling complies with the minimum numeric setbacks prescribed within this Control. As a result, the built form will appear consistent with the alignment within the streetscape which will furthermore be enhanced by landscape treatment within the front setback area.

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

Comment:

The development is not likely to hinder any views or vistas to and/or from public or 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 currently contains no significant vegetation, and the subject application proposes sufficient landscape treatment that consists of canopy trees and various smaller shrubs which will in turn serve to screen the built form of the development.

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

Comment:

The double garage proposed as part of this application is appropriately setback from the frontage such that it does not have an overbearing visual impact when viewed from 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 proposed development is considered capable of providing reasonable amenity for the dwelling occupants as well as for those of adjoining and surrounding properties. The dwelling is centrally sited such that sufficient spatial separation is afforded between buildings, and the proposed landscape treatment will further enhance privacy between buildings. The site is accompanied with certified shadow diagrams, which demonstrates compliance with the solar access requirements of P21DCP.

Having regard to the above assessment, it is concluded 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.

D16.7 Side and rear building linesDescription of non-compliance

The Control requires structures to be setback a minimum of 0.9m at the ground floor level from a side boundary. The proposed garage comprises a pillar on the western elevation, which is setback 0.8m from the western side boundary. This represents a variation of 11.1% (0.1m).

The Control also requires structures to be setback 4m at the ground floor level and 6m at the first floor level from the rear boundary. The dwelling is setback 3.9m at the ground floor and 5.3m at the first floor, which represents variations of 2.5% and 11.7%, respectively.

Merit consideration

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

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

Comment:

The proposed development will be consistent and comparable in terms of bulk, scale and siting with recently approved developments in the locality, such that the desired future character of the locality will be achieved,

notwithstanding the minor contravention of the numeric controls.

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

Comment:

The proposed development does not require a significant degree of excavation, thereby minimising the area of site disturbance. Further, the soft surface area of the site has been maximised considering the size of the allotment and in addition, a condition of consent has been imposed requiring the rear paved path to be removed and instead form part of the turfed yard. In turn, the soft surface of the site is considered to be appropriately maximised.

- *The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.*

Comment:

The built form remains well within the maximum allowable building height, and largely complies with the built form controls prescribed within the DCP such that the resultant built form is consistent and comparable with surrounding development in the locality. The development is also considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties, as a result of the increased building setbacks, the orientation of the private open space areas, the proposed landscape treatment and considered window placement.

- *To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.*

Comment:

The proposed development provides sufficient spatial separation between buildings, and is articulated such that reasonable breaks between buildings are provided whilst also maintaining consistency in regards to the prevailing building alignment within the streetscape.

- *To create usable curtilage areas around buildings for viable access, landscaping and open space.*

Comment:

As the dwelling has been centrally sited within the allotment, sufficient areas around the building, particularly within the front and rear yards remain usable for access, landscaping and open space. Either side setback area also remains free of structures such that easy access is obtained around the property.

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

Comment:

No views or vistas will be hindered as a result of the application.

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

Comment:

The proposed landscape treatment will result in a significant improvement for the site given it is currently an empty allotment. The landscaping once completed and matured, will serve to soften the built form of the development.

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

Comment:

The development is considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties as a result of the varying building setbacks, the orientation of the private open space areas toward the rear or front of the property, the proposed landscape treatment and the considered window placement. The application is also supported with certified shadow diagrams, which denote compliance with the solar access requirements prescribed within P21DCP.

Having regard to the above assessment, it is concluded 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.

D16.12 Fences

The provided plans do not provide necessary details with regards to the proposed '1800h fencing' other than the mention of such on the Site and Landscape plans. Further, no owners consent from the adjoining property owners has been provided. In turn, a condition of consent has been imposed which requires the Site and Landscape plans be amended so as to remove the proposed fencing from this consent.

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 DA2020/0387 for Construction of a dwelling house on land at Lot 21 DP 270907, 28 Baz Retreat, 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
3/11, Issue E - Ground Floor Plan	5 March 2020	Accurate Design and Drafting
4/11, Issue E - Upper Floor Plan	5 March 2020	Accurate Design and Drafting
5/11, Issue E - Elevations	5 March 2020	Accurate Design and Drafting
6/11, Issue E - Elevations, Section & Details	5 March 2020	Accurate Design and Drafting
7/11, Issue E - Site Plan	5 March 2020	Accurate Design and Drafting

Engineering Plans		
Drawing No.	Dated	Prepared By
Sheet 1 of 1 - Stormwater Drainage Layout Plan	8 March 2020	VNK Consulting Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert. No. 1084965S)	5 March 2020	Abeaut Design Pty Ltd t/a Accurate Design and Drafting

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
Sht-101, Rev. B - Landscape Site Plan	11 February 2020	Jamie King Landscape Architect
Sht-102, Rev. B - Planting Plan	11 February 2020	Jamie King Landscape Architect

Waste Management Plan		
Drawing No./Title.	Dated	Prepared By
Waste Management Plan	25 February 2020	Icon Homes 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. 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	N/A

(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 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.

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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) 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.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) 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.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 sewerred areas or managed on-site in unsewerred 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

5. Security Bond

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

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

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

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

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

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

6. Amendments to the Approved Plans and Landscape Plans

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

- All fencing is to be removed from the Site Plan and Landscape Plans. No fencing is approved as part of this application; and
- The paved path is to be removed from the Landscape Plans to maximise soft surfacing within the site.

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

Reason: To ensure compliance with the Dividing Fences Act; and to enhance the site's landscaped area.

7. 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.

8. 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.

9. **External Colours and Materials**

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity. White, light coloured, red or orange roofs and walls are not permitted. The external finish to the roof 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 in the form of a Schedule of Finishes.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **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.

11. **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.

12. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal 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.

13. **Installation and Maintenance of Sediment and Erosion Controls**

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 VNK Consulting prior to commencement of any other works on site.

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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

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

14. **Landscape works completion**

Landscaping shall be completed in accordance with the Landscape Plan identified as Sht-101, prepared by Jamie King Landscape Architect, inclusive of the following requirements:

- i) the nominated tree planting shall be planted at minimum 75 litre size. The rear yard tree planting is to be a minimum area of at least 1.5 metres from adjoining common residential side boundaries.
- ii) 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 inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity.

15. **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.

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

16. **Landscape maintenance**

All landscape components are to be maintained for the life of the development or their safe useful life expectancy. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. 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 Landscape Plan.

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

17. **Environmental and priority weed control**

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

Reason: preservation of environmental amenity.

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

Signed



Georgia Quinn, Planner

The application is determined on 27/05/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments