

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0869
----------------------------	-------------

<b>Responsible Officer:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 17 DP 270907, 20 Baz Retreat WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of a dwelling house
<b>Zoning:</b>	R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Bradley John Ingram Lauren Anne Westbrooke
<b>Applicant:</b>	Icon Homes Northern Beaches

<b>Application Lodged:</b>	05/08/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	14/08/2020 to 28/08/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 524,410.00
---------------------------------	---------------

### PROPOSED DEVELOPMENT IN DETAIL

Construction of a two (2) storey dwelling house and associated landscape works.

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the

- development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements  
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments  
 Pittwater 21 Development Control Plan - D16.7 Side and rear building lines  
 Pittwater 21 Development Control Plan - D16.13 Building colours and materials

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 17 DP 270907 , 20 Baz Retreat WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the north eastern side of Baz Retreat.</p> <p>The site is irregular in shape with a frontage of 11.14m along Baz Retreat and a depth of 25.235m along the south eastern boundary and 26.06m along the north western side boundary. The site has a surveyed area of 323.3m<sup>2</sup>.</p> <p>The site is located within the R3 Medium Density Residential zone from PLEP 2014 and is currently a vacant allotment as the result of a recent subdivision.</p> <p>The site has a minor cross fall of north to south (ie rear to front) of approximately 1.7m. The site has no vegetation, trees or environmental features on the site.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by recently constructed free-standing houses and vacant allotments.</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

The 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 development 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.

## 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

Section 4.15 Matters for Consideration'	Comments
	<p>purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.</p>
<p>Section 4.15 (1) (a)(iii) – Provisions of any development control plan</p>	<p>Pittwater 21 Development Control Plan applies to this proposal.</p>
<p>Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement</p>	<p>None applicable.</p>
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&amp;A Regulation 2000)</p>	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment</p>	<p>(i) <b>Environmental Impact</b> 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>

Section 4.15 Matters for Consideration'	Comments
and social and economic impacts in the locality	<p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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 (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 from 14/08/2020 to 28/08/2020 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 construction of a new dwelling. 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"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> <li>• D16 Warriewood Valley Locality, and in particular D16.5 Landscaped Area for Newly Created Individual Allotments, and D16.12 Fences</li> </ul> <p>The site is a vacant lot with no existing vegetation within the site nor within the road verge. A Landscape Plan is submitted with the application prepared by Jamie King Landscape Architect. A concurrent application for a swimming pool, replacement of fencing and retaining walls is part of DA2020/1120. The retaining wall</p>

Internal Referral Body	Comments
	<p>alignment under DA2020/1120 to the northern corner shall prevail.</p> <p>Landscape Referral have no objections subject to conditions of consent for the completion of landscape works.</p>
NECC (Bushland and Biodiversity)	<p>The lot was created as part of an approved subdivision within the Warriewood Valley release area. The site has been previously cleared and is not within or interface with the riparian zone or portion of the parent lot mapped as Biodiversity under the Pittwater LEP 2014. The development will not have a significant effect on biodiversity and therefore no further assessment is required.</p>

### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

#### **SEPP 55 - Remediation of Land**

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

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

A BASIX certificate has been submitted with the application (see Certificate No. 1099850S, 6 May 2020).

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 who provided a response 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.

**Pittwater Local Environmental Plan 2014**

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10.5m	7.2m	N/A	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
7.2 Earthworks	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 (Articulation zone) 4.0m (Garage)	2.9m (Articulation zone) 4.0m (Garage)	N/A N/A	Yes Yes

	3.0m (Dwelling)	3.9m (Dwelling)	N/A	Yes
Rear building line	4.0m (Ground Floor) 6.0m (First Floor)	4.8m (Ground floor) 8.0m (First floor)	N/A N/A	Yes Yes
Side building line	Zero Lot line dwelling 9-14m wide - 0m at GF for a max wall length of 13m SE: 0.9m (Ground floor) SE: 1.5m (First floor)	Nil (Ground floor) for a max wall length of 6.0m 0.9m (Dwelling) 1.1m (First floor)	N/A N/A 26.7%	Yes Yes No
	NW: 0.9m (Ground floor) NW:1.5m (First floor)	1.1m (Ground floor) 1.25m - 2.8m (First floor)	N/A 16.7%	Yes No
Landscaped area	35% (113.15sqm) Minimum dimension 4m	19.7% (63.7sqm) Minimum dimension 4m	43.8% (49.45sqm)	No

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

Note: *C6.8 Residential Development Subdivision Principles* states that the lot type is determined by lot width. Lot width is measured from one side boundary to the other at the primary street front building line not including access handles. The subject lot measures 11.14m at the front boundary and 14.155m at the rear boundary with the lot measuring 11.55m at the front building line. For the purpose of this assessment the lot type is defined as measuring 9-14m wide with the relevant controls to be applied.

#### 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
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	No	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.13 Building colours and materials	No	Yes
D16.14 Pets and companion animals	Yes	Yes

### Detailed Assessment

#### **B6.3 Off-Street Vehicle Parking Requirements**

The off-street vehicle parking requirements state that a minimum of 2 vehicle parking spaces are to be provided for a dwelling with 2 or more bedrooms. The proposed garage measured at 5.5 metres x 5.5 metres. Whilst this control requires that for an enclosed garage the internal dimensions be 5.7 metres by 6.0 metres for 2 adjacent vehicles, the proposed double garage is technically non-compliant with this control. The internal dimensions of the double garage does however meet the minimum requirements as established in the current Australian Standards. The garage being designed within the built form of the development also addresses the outcomes for safe and convenient parking as well as minimising rainwater runoff. The proposed development is therefore considered to meet the outcomes of this clause and the non-compliance is supported on merit.

#### **D16.5 Landscaped Area for Newly Created Individual Allotments**

This control requires a 35% landscaped area for lots measuring 9-14m wide. The proposed development will result in a landscaped area of 19.7% (63.7m<sup>2</sup>). This presents a variation of 43.8%.

There are areas within the site that will facilitate the infiltration of stormwater runoff. However, due to the minimum dimensions of 4m, these areas are not included in the calculation of overall landscaped areas on the site.

Under Pittwater Local Environmental Plan (PLEP) 2014, landscaped area is defined as a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. When applying this definition to the calculation of landscaped area for the site (that is, by including areas with a dimension of less than 4m), the total landscaped area is increased to 126.5m<sup>2</sup> or 39%. With this, the landscaped area remains numerically non-compliant.

As such, consideration is given to the vary this control, as follows:

#### Merit Consideration

The proposed development is considered against the underlying outcomes of this control in the following ways:

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

*biodiversity.*

Comment:

The subject site was recently part of a major subdivision and is currently under construction and void of any vegetation. The landscaped plan provided with the application was referred to Council's landscape Officer, with relevant conditions being imposed to ensure canopy trees and other native vegetation is located on the site.

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

Comment:

The landscape plan will provide a unified and high quality landscape character that will positively contribute to the sense of place within the newly created subdivision.

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

Comment:

The landscape plan ensures that the landscape treatments of the site will promote ecologically sustainable outcomes that maintain and enhance the biological diversity and ecological processes of the site.

The area of site disturbance is minimised.

Comment:

The excavation works required to facilitate the development are minimal and will ensure the site will not be disturbed. Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

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

Comment:

While the site is numerically non-compliant with the minimum requirements for landscape area, the site does maintain areas of deep soil which will ensure that stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

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

Comment:

The landscaped areas of the site consist of deep soil areas which are suitable for canopy tree planting.

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

Comment:

As proposed development provides generous area for deep soil planting and landscaping within the front setback. The required amended landscape plan will also ensure protected street trees along Baz Retreat are retained. These various landscape treatments within the front setback area will soften the visual impacts of the built form and in turn, contribute to an attractive streetscape. Six (6) Bush Cherry trees are proposed along the rear of the site in the eastern corner which will provide privacy to adjoining dwellings.

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

Comment:

The proposed dwelling will not have an unreasonable impact upon privacy and amenity of adjoining and surrounding properties.

While the proposed development will result in a numeric non-compliance to the landscaped area requirement, it is considered acceptable and consistent with the abovementioned outcomes. As such, the proposal can be supported on merit.

#### **D16.7 Side and rear building lines**

The control requires structures to be setback a minimum of 0.9m at the ground floor level and 1.5m from the first floor from a side boundary. The development proposes the following setbacks:

- North West: 1.1m - (Ground floor)  
1.25m - 2.8m (First floor)
- South East: Nil - Garage (for a length of 6.0m)  
0.9m - Ground floor of dwelling  
1.1m - First floor

The subject site proposes a nil setback for the garage to the south eastern side boundary. The non-compliance measures 6.0m in length which complies with the minimum length of 13.0m prescribed for a zero lot line dwelling measuring 9m - 14m in width.

It is noted that as the lot widens towards the rear, the non-compliant setback at first floor to the north western boundary increases. The non-compliant setback measures 2.6m in length with the remainder of the dwelling measuring 10.7m in depth complying with the 1.5m side setback control.

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 Warriewood Valley locality is maintained.

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

Comment:

The site does not comply with the 35% soft landscaped area requirement, however given the compliant front setback and rear setback, the proposal provides areas which are able to provide adequate planting and vegetation. However taking into consideration the landscaped area that measures less than 4m x 4m in area, the site provides 126.5sqm (39%) of landscaped area. The application was referred to Council's Landscape Officer who raised no objection subject to conditions of consent.

*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 proposed development uses a mixture of materials between the ground floor and first floor to break up the bulk and scale. The building is of a scale similar to the surrounding development along Baz Retreat and newly constructed lots on surrounding streets.

The development proposes a setback of 1.25m at first floor to the north western boundary fronting Baz Retreat which increases to 2.8m at the rear of the dwelling. Whilst this creates a 16.7% variation to the control, this is for a length of 2.6m with the remainder of the first floor (10.7m in length) generously complying with the prescribed setback of 1.5m for the first floor.

The first floor proposes a 1.11m setback to the south eastern boundary creating a variation of 26.7% to the control. Whilst this falls short of the required control of 1.5m, the development is considered to provide reasonable amenity for the dwelling occupants and those of surrounding properties through the orientation of private open space areas, the proposed landscape treatment and location of windows.

*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 1.25m - 2.8m (north western) setback and 1.11m (South eastern) setback at first floor is considered a sufficient distance to represent a meaningful break between dwellings in the circumstances of the site, given the narrow configurations of the allotments along Baz Retreat. As mentioned above, the non-compliant setback to the north western side boundary is contained to a small portion of the dwelling (2.6m in depth) fronting Baz Retreat increasing to a generous complying side setback of 2.8m

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

Comment:

The ground floor level complies with the required setback to the north western boundary requirements providing for usable curtilage areas around building. Whilst the garage provides a nil setback to the south eastern boundary for a length of 6.0m, the proposal provides compliant front and rear setbacks which allow for adequate vegetation and recreational use and open space requirements.

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

Comment:

Views to and from public and private space are not impacted by the proposal.

*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:

No vegetation is proposed for removal as part of this application. The proposed landscaping will soften any visual impacts that may arise from the built form.

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

Comment:

A reasonable level of solar assess, privacy and amenity will be achieved between the residents of the subject site and adjoining dwellings.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21 DCP 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**

The applicant has provided a Schedule of External Materials and Fixtures Selection which indicates the cladding and render for the dwelling to be finished in 'Surfmist '.

This colour is not authorised for external cladding, rendering or the roof, however the use of this colour for the fascias, gutters, downpipes, windows and doors is acceptable.

A condition of consent is recommended to ensure that, prior to the issue of the Construction Certificate, the proposed colour schedule is amended to reflect darker tones for the external walls and are to have a medium-dark range (BCA classification M & D).

The amended chosen colours should be approved at the discretion of the Certifying Authority.

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

The proposal will not significantly 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 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 DA2020/0869 for Construction of a dwelling house on land at Lot 17 DP 270907, 20 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Ground Floor Plan Sheet 3/12 Issue G	8 July 2020	Icon Homes
Upper Floor Plan Sheet 4/12 Issue G	8 July 2020	Icon Homes
Elevations 5/12 Issue G	8 July 2020	Icon Homes
Elevations 6/12 Issue G	8 July 2020	Icon Homes
Site Plan Sheet 7/12 Issue G	8 July 2020	Icon Homes

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Stormwater Drainage Plan 090720-01 Issue A	9 July 2020	VNK Consulting Pty Ltd

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No. 1099850S	6 May 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:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Master Landscape Plan Sht - 101	6 June 2020	Jamie King Landscape Architect
Detail Plan Sht - 102	6 June 2020	Jamie King Landscape Architect

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Icon Homes P/L Waste Management Plan	27 July 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:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	2 September 2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://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 sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

### 6. **Landscape completion**

Landscaping shall be completed in accordance with the Landscape Plan Sht-101 and Sht-102, inclusive of the following requirements:

- i) retaining wall alignment shall be as shown under DA2020/1120, and any excavation shall be contained wholly within the site boundary, and not encroach upon adjoining properties,
- i) one (1) small tree shall be planted within the front setback selected as either *Melaleuca linariifolia*, *Backhousia myrtifolia*, or *Tristaniopsis laurina*,
- ii) one (1) medium tree shall be planted within the rear setback selected from the Warriewood Valley Landscape Masterplan Plant List,
- iii) trees shall be planted at minimum 75 litre size, located a minimum area of at least 1.5 metres from adjoining common residential side boundaries, and at least 3 metres from existing and proposed dwellings,
- iv) screen planting to the rear boundary, to continue from the requirements of DA2020/1120, shall be planted to achieve a height of 3.0 metres at maturity, or be maintained to such a height, and shall be installed at minimum 1 metre intervals and be of a minimum container size of 200mm at planting in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) 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 Landscape Plan and inclusive of any conditions.

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

### 7. **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.

8. **External Finishes to Roof**

The external colours and materials to the dwelling house shall be dark earthy tones non-glare and of low reflectivity. White, light coloured, red or orange 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.

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

9. **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.

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

10. **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.

11. **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 for establishment. 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.

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

**Signed**



**Penny Wood, Planner**

The application is determined on 02/11/2020, under the delegated authority of:



**Anna Williams, Manager Development Assessments**