

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0273
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Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 8 DP 1206507, 43 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of a dwelling house including swimming pool
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jessica Rossmerie Alegre
Applicant:	Wisdom Homes

Application Lodged:	18/03/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	27/03/2020 to 10/04/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 654,105.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for the construction of a two storey dwelling, attached double garage and in ground swimming pool.

Specifically, the development consists of:

- Outdoor areas will include a concrete driveway which will provide vehicular access from Warriewood Road. In addition, a concrete in-ground swimming pool, will be located towards the rear of the site within the northern setback. Affiliated landscaping works are also proposed.
- Ground floor will contain a double garage, home office, home theatre, kitchen, laundry, powder room and living area.
- First floor will contain five (5) bedrooms, studio, balcony and three bathrooms.

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 - D16.12 Fences
- Pittwater 21 Development Control Plan - D16.13 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 8 DP 1206507 , 43 Warriewood Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the western side of Warriewood Road.</p> <p>The site is regular in shape with a frontage of 168m along Warriewood Road and a depth of 24.1m. The site has a surveyed area of 406.3m².</p> <p>The site is located within the R3 Medium Density Residential zone and is situated within a recently constructed and released residential subdivision. The site is currently vacant.</p> <p>The site has an overall fall of 2.0m from front to rear (east to west).</p> <p>The site has no vegetation or trees.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by single storey and two storey dwellings which are established along the eastern side of Warriewood Road. The western side of Warriewood road is undergoing urban development to facilitate residential dwellings, roads and pockets of vegetation.

Currently, north of the subject site (No. 47 Warriewood Road) is a two storey dwelling house that is still under construction. The property adjoining the subject site's southern boundary (No. 16 Baz Retreat) contains a two storey dwelling with an in-ground swimming pool.

Map:



SITE HISTORY

The site is a recently registered lot part of the Warriewood Urban Release area. All civil works associated with the subdivision have been completed and the land is burdened by a 2m wide drainage easement along the rear boundary. The land was registered 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	None applicable.

Section 4.15 Matters for Consideration'	Comments
draft environmental planning instrument	
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)(iiiia) – 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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This 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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under

Section 4.15 Matters for Consideration'	Comments
environment and social and economic impacts in the locality	<p>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 (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, in terms of landscape outcome is acceptable, subject to conditions on the completion of landscaping, and subject to conditions to protect existing street tree planting.</p> <p>Council’s Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D16.5 Landscaped Area for Newly Created Individual Allotments</p>

Internal Referral Body	Comments
	<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. All other landscape proposals satisfy the Pittwater 21 DCP landscape controls.</p> <p>No Arboricultural Impact Assessment report is provided, nor required in this instance. The site does not contain any trees of significance. The existing street trees along the Warriewood Road street frontage and additionally any existing street trees in the vicinity of the site must be protected during all stages of works.</p>
NECC (Bushland and Biodiversity)	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.
NECC (Development Engineering)	No objections to the new dwelling subject to conditions.
NECC (Riparian Lands and Creeks)	
NECC (Water Management)	<p>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.</p> <p>The application is recommended for approval. Site coverage is less than the maximum allowed under the WMR.</p> <p>A sediment and erosion control plan has not been provided. The sediment and erosion control plan must prevent sediment entering the stormwater network and impacting the bio-retention basin on the site, which is the responsibility of the property owners to clean.</p> <p>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.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

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. The site is located within a recently constructed residential subdivision where by the necessary contamination assessment was carried regarding suitability of the site for residential purposes. 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. 1067664S_03 dated 13 March 2020).

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

Commitment	Required Target	Proposed
Water	40	44
Thermal Comfort	Pass	Target Pass
Energy	50	50

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

SEPP (Infrastructure) 2007

Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	10.5m	8.5m	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	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	6.5m (Dwelling/Garage)	6.5m (Dwelling) 7.13m (Garage)	N/A	Yes
	5.0m (Articulation zone)	5.3m (Porch/First floor balcony)	N/A	Yes
Rear building line	4m (Ground floor)	3.1m (Rear stairs) 4.0m (Dwelling)	22.5%	No
	6m (Upper floor)	6.0m	N/A	Yes

Side building line	2.5m (North)	1.0m (Swimming pool) 2.6m (Dwelling)	60%	No
	0.9m (South)	1.0m (Garage) 2.3m (Dwelling)	N/A	Yes
Landscaped area	45%/182.8sqm (Minimum 4m dimensions)	27.1%/110.2sqm	39.7%	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
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	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
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	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
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
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	No	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The required internal dimensions of a double garage are 6m x 5.7m under the Pittwater DCP.

The proposed garage internal dimensions are 5.8m x 5.5m and represent a minor departure from the control. Although non-compliant with the DCP, the minimum internal dimensions specified by the Australian Standard are still achieved and the garage is considered to provide adequate functionality. A minimum of two spaces are provided in accordance with the DCP.

D16.5 Landscaped Area for Newly Created Individual Allotments

Description of non-compliance

P21DCP requires all new developments to provide 45%/182.8sqm of landscaped area. In accordance with the control, the minimum dimensions for calculable landscaped areas is 4.0m. As such, the proposal provides 27.1%/110.2sqm when applying the control.

Merit consideration

The subject site is considered to have a relatively small area of 406.3sqm and a depth of 24.1m. The proposal includes other areas throughout the site which consist of soft/pervious landscaped area that are less than the minimum 4m dimensions. When including all soft landscaped areas on the site (including those with a dimension less than 4m), the total landscaped area is 166sqm/41%. These areas have a minimum dimension of 1.0m which is considered sufficient to allow for site drainage and pervious treatments.

In consideration for supporting the variation to the landscaped area, an assessment against the outcomes of the control is outlined below:

- *Outcome 1) Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

Comment:

There are no existing site features to be retained following the subdivision and civil construction to create the lot. The site is vacant of trees at this time. In addition, the submitted Landscape Plan provides compliance to the control's requirements in terms of tree planting

- *Outcome 2) Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment:

The proposed landscape plan demonstrates that the front setback will contain sufficient landscaping ranging from canopy trees, hedges, garden beds and turfed areas. Following completion of the dwelling and landscape planting, the proposal will contribute to a high quality landscape setting for Warriewood Valley.

- *Outcome 3) Landscaping promotes ecologically sustainable outcomes, maintaining and*

enhancing biological diversity and ecological processes.

Comment:

The proposed landscape plan will provide high quality landscape setting, which will contribute to enhancing biodiversity and ecological outcomes following their establishment. The departure from the landscape percentage control is not considered to limit the opportunity for the regrowth of canopy trees as there are sufficient areas throughout the site to facilitate tree planting.

- Outcome 4) The area of site disturbance is minimised.

Comment:

The area of cut/fill is limited to the dwelling and swimming pool's footprint with areas of fill contained with a drop edge beam. The remainder of the site is suitable for the establishment of grass and the required canopy tree planting.

- *Outcome 5) Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment:

Council's development engineer has reviewed the site's capacity to appropriately manage stormwater and has raised no concerns subject to conditions of consent. The site benefits from an easement to drain water at the rear which will drain to a regional basin.

- *Outcome 6) Landscaped areas should be predominately areas of deep soil.*

Comment:

The areas throughout the site which are landscaped consist of deep soil areas suitable for canopy tree planting and the establishment of good quality vegetation.

- *Outcome 7) New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment:

The site is currently clear of any trees or vegetation. However, the submitted landscape plan provides a high quality landscape setting to lessen the impact of the built form upon the streetscape. The proposed dwelling is of a scale that is appropriate in the context of the Warriewood urban release area.

- *Outcome 8) 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 with limited use of upper floor windows on each elevation.

The proposed development is consistent with the outcomes of the Pittwater DCP and the variation to the control D16.5 is supported in this instance.

D16.7 Side and rear building lines

Description of non-compliance

The DCP requires a setback to be provided of 2.5m on one side of the proposed dwelling. However, the proposed swimming pool is set back 1.0m from the northern boundary. It should be noted that the dwelling provides fully compliant side setbacks.

The DCP requires a setback of 4m to the ground floor of the dwelling. A portion of the dwelling (rear stairs) encroaches the rear setback at 3.1m which is a variation to the Pittwater DCP of 22.5%. The area of encroachment is limited to the rear stairs, as the dwelling facade is fully compliant with the rear setback.

Merit consideration

In consideration for supporting the variation to the landscaped area, an assessment against the outcomes of the control is outlined below:

- *Outcome 1) To achieve the desired future character of the Locality.*

Comment:

The proposal seeks consent for the construction of a detached two-storey dwelling house and in-ground swimming pool. The proposal's design represents contemporary residential living and is consistent with the desired future character of Warriewood Valley.

- *Outcome 2) The area of site disturbance is minimised and soft surface is maximised.*

Comment:

The area of cut/fill is limited to the dwelling and swimming pool's footprint with areas of fill contained with a drop edge beam. The proposal has submitted a landscape plan, which has maximised soft surface areas across the site.

- *Outcome 3) 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 swimming pool is in-ground and will not create unreasonable building bulk. In addition, the proposed rear stairs will have a maximum height of 0.6m above existing ground level, which is relatively low lying. Furthermore, the proposed landscape plan has been designed to achieve high quality landscape outcomes, which include the establishment of planting that is sufficiently sized to screen the visual impact of the built form.

- *Outcome 4) 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 proposal will be adequately sited between future adjoining dwellings and the minor non-compliances caused by the swimming pool and rear stairs will not be readily visible from the street frontage. It is noted that the proposed dwelling's setbacks are compliant and generally exceed the minimum requirements to provide for a usable space for clothes drying and establishment of deep soil landscaping.

- *Outcome 5) To create usable curtilage areas around buildings for viable access, landscaping and open space.*

Comment:

The proposed dwelling will be set back between 2.6m - 3.2m from the northern side boundary. The proposed swimming pool is set back 1.0m from the northern boundary, however, this only represents a minor non-compliance within the setback area. Similarly, the proposed rear stairs will only represent a minor encroachment (3.9%) within the total rear setback area. As such, it is considered that the proposal is sufficiently spaced for viable access, landscaping and open space.

- *Outcome 6) Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

The proposed development will not have any unreasonable impacts upon views.

- *Outcome 7) 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:

Sufficient space is provided within the front and rear of the site to provided canopy tree planting. The side setbacks are of a width to allow soft landscaping.

- *Outcome 8) To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.*

Comment:

The proposed swimming pool is in-ground and will be substantially set back from future dwellings. In addition, the proposed rear stairs will have a maximum height of 0.6m above existing ground level, which is relatively low lying. Furthermore, the proposed landscape plan has been designed to achieve high quality landscape outcomes, which include the establishment of planting that is sufficiently sized to screen the visual impact of the built form.

Overall, irrespective of the non-compliances the proposed works will be adequately screened from future dwellings, which will ensure a reasonable level of privacy and amenity is provided.

The proposed development is consistent with the outcomes of the Pittwater DCP and the variation to the control D16.5 is supported in this instance.

D16.12 Fences

The submitted landscape plan (S.01) indicates that a 1.8m high fencing is proposed along a portion of the side boundary and for the entire length of the rear boundary. The proposed fencing will be set back 1.0m from the front building line. In addition, imposed conditions will require the proposed fencing to be contained within the subject site's property boundaries and will ensure that the selected materials are compatible with the desired future character of Warriewood Valley Locality.

D16.13 Building colours and materials

The proposed colour schedule provided is non-compliant with Council's external building colours. The proposed brickwork colour 'Urban One - Silver' proposed for the external walls are too light to achieve compliance with the dark and earthy tones required under this control.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0273 for Construction of a dwelling house including swimming pool on land at Lot 8 DP 1206507, 43 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
S02 - Issue B.7: Site plan.	11 February 2020	Wisdom Homes
S05 - Issue B.7 Ground floor plan.	11 February 2020	Wisdom Homes
S06 - Issue B.7 First floor plan.	11 February 2020	Wisdom Homes
S07 - Issue B.7 Elevations.	11 February 2020	Wisdom Homes
S08 - Issue B.7 Elevations.	11 February 2020	Wisdom Homes
S09 - Issue B.7 Sections.	11 February 2020	Wisdom Homes

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
S01 - Landscape plan.	26 September 2019	Wisdom Pools & Landscapes
S02 - Pool details.	26 September 2019	Wisdom Pools & Landscapes

S03 - Plant list.	26 September 2019	Wisdom Pools & Landscapes
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Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste management plan	Not stated	Wisdom Homes

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

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

2. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

3. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
- 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) 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) 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

4. 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 to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

5. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

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

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

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

6. **Vehicle Driveway Gradients**

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

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

Reason: To ensure suitable vehicular access to private property.

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. **Erosion and Sediment Control Plan**

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

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

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

Reason: Protection of the receiving environment

9. **Rainwater Tank Reuse Tank -Stormwater Drainage**

As part of an integrated on-site stormwater management system , stormwater overflow from the

rainwater tank is to discharge to an inter-allotment drainage easement within the property. The rainwater tank is to be used for all applications as detailed in the approved BASIX certificate.

Stormwater Plans detailing compliance with this condition are to be submitted to the certifying authority for approval prior to the issue of the construction certificate.

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

10. **Compliance with Standards**

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

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

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

11. **External Colours and Finishes**

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

In addition, the proposed side and rear boundary fence must not be constructed out of materials other than lapped and capped stained fencing, brick, masonry, and stone.

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

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

12. **Sydney Water "Tap In"**

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

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

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

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

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained

in a safe condition at all times during the course of the work.

Reason: Public safety.

14. **Survey Certificate**

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

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

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

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

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

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

15. **Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

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

16. **Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety.

17. **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 Low 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.

18. **Protection of existing street trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages. Existing tree guards shall be maintained in place.

Should any street tree along the site frontage not contain a tree guard or the existing tree guard is damaged during works, tree protection fencing consisting of a four sided 1.8m high x 2.4m length standard wire mesh construction fence, in accordance with Australian Standard AS 4687-2007 - Temporary Fencing & Hoardings, shall be installed around the tree for the duration of the works.

Any street tree damaged or removed shall be replaced at a container size of 200 litres, and in accordance with guidelines provided by Council.

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

19. **Waste Management During Works**

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

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

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

20. **Installation and Maintenance of Sediment and Erosion Control**

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

Reason: Protection of the receiving environment

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

21. **Landscape completion**

Landscaping shall be completed in accordance with the Landscape Plans identified as Sheet 01, 02, 03, 04, 05 and 06, prepared by Wisdom Pools & Landscapes, inclusive of the following adjustments:

- i) the scheduled *Cupaniopsis anacardioides* is not permitted, and shall not be planted.
- ii) one medium canopy tree and one small canopy tree, as listed in the Warriewood Valley Landscape Masterplan Design Guidelines shall be installed to the front of the property, and one

small canopy tree, as listed in the Warriewood Valley Landscape Masterplan Design Guidelines shall be installed to the rear of the property,
iii) the nominated tree planting shall be planted at minimum 75 litre size. Each tree planted is to be a minimum area of at least 1.5 metres from adjoining common residential side boundaries. Medium canopy trees are to be located a minimum of 4-5 metres and small canopy trees are to be located a minimum of 3 metres from existing and proposed dwellings,
iv) fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation as nominated on the Landscape Plan, 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.

22. **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.

23. **House / Building Number**

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

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

Reason: Proper identification of buildings.

24. **Swimming Pool Requirements**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in

accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

25. **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.

26. **Environmental and priority weed control**

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

Reason: preservation of environmental amenity.

27. **Finished Works**

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

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

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

Signed



Kye Miles, Planner

The application is determined on 27/04/2020, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments