

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1203
Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 31 DP 5464, 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464, 29 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of a dwelling house including a swimming pool on proposed Lot 15
Zoning:	R3 Medium Density Residential R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd
Applicant:	PCL & APR Pty Ltd T/As Icon Homes
Application lodged:	12/07/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	26/07/2018 to 13/08/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 431,764.00

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 - C1.23 Eaves

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

Property Description:	<p>Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102</p> <p>Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102</p>
Detailed Site Description:	<p>The subject site (Lot 15) is currently identified within 29 and 31 Warriewood Road (Lot 30 Sec C DP 5464 and Lot 31 Sec C DP 5464 respectively) and associated with a the unregistered subdivision approved by Development Consent No. N0182/13, as amended. The subject site is regular in shape with a total area of 308.4m². Primary vehicular and pedestrian access is proposed via the 13.35m wide frontage facing a currently unnamed road. The site is currently vacant, undeveloped land (i.e. no built structures are present). The slope of the site is 7.6% and falls from the rear boundary to the road frontage. Directly adjoining and adjacent to the subject site are vacant allotments. Areas to the north and east of 29 and 31 Warriewood Road consist predominately of low-density residential housing. Areas to the west and south of the site contain large allotments, a number of which have been recently subdivided and/or are in the process of being subdivided.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant history:

30 December 2013

Development Application N0182/13 for the 40 lot subdivision of existing sites and demolition of existing structures was refused.

15 October 2014

An appeal of Development Application N0182/13 was upheld with the Land and Environment Court of New South Wales and the application was approved through orders of the Court arising from a conciliation conference process conducted pursuant to Section 34 of the Land and Environment Court Act 1979 (LEC Act 1979).

3 August 2015

An appeal of Modification Application N0182/13/S96/1 of Development Consent N0182/13 which was lodged directly with the Land and Environment Court of New South Wales under the provisions of Section 96(8) of the Environmental Planning and Assessment Act 1979 (EPA Act 1979) was upheld in part and partially approved through orders of the Court arising from a conciliation conference process conducted pursuant to Section 34 of the LEC Act 1979. The application proposed amendments to Condition C19 of Development Consent N0182/13 and the monetary contributions payable under Section 94 of the EPA Act 1979.

3 December 2015

An appeal of Modification Application N0182/13/S96/2 of Development Consent N0182/13 which was lodged directly with the Land and Environment Court of New South Wales under the provisions of Section 96(8) of the EPA Act 1979 was dismissed and the application was refused. The application proposed amendments to Condition C19 of Development Consent N0182/13.

3 April 2017

Development Application N0481/16 for the construction of eleven two-storey detached dwellings within the approved subdivision lots and associated landscaping was withdrawn.

8 May 2017

Development Application N0567/16 for the construction of a three storey residential flat building comprising 29 units, basement car parking and landscaping was withdrawn.

24 November 2017

Development Application N0053/17 for subdivision to consolidate Lots 2, 3, 4, 14, 15, 16, 17 and 18 within the approved unregistered subdivision plan on Lot 31 Section C of Deposited Plan 5464 was withdrawn.

16 April 2018

Development Application DA2018/0607 for the construction of a residential flat building comprising 27 apartments, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood was lodged with Council. This application has not yet been determined.

19 April 2018

Development Application DA2018/0627 for the construction of ten (10) two-storey dwellings with associated landscaping within currently unregistered Lots 5, 6, 7, 8, 21, 22, 23, 24, 28 and 29 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood was lodged with Council. This application is yet to be determined.

27 April 2018

Modification Application Mod2017/0344 of Development Consent N0182/13 was granted consent under the provisions of Section 96(AA) of the EPA Act 1979. The application approved changes to the staging of the development and related conditions of Development Consent N0182/13.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the construction of a two storey dwelling, garage and a swimming pool.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p>

Section 4.15 Matters for Consideration'	Comments
	(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.
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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A BAL Risk Assessment Certificate was submitted with the application (prepared by John Travers of Travers bushfire & ecology, dated 3 November 2017) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection.

The application was also referred to the NSW Rural Fire Service who provided a response in a letter (Ref: DA18072514179 ME, dated 17 September) stating that the proposal is acceptable subject to recommended conditions. As the application was referred to the NSW Rural Fire Service, these recommended conditions are taken to prevail over those outlined in the submitted BAL Risk Assessment Certificate. As such, these conditions will be enforced as a condition of consent.

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.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component is assessed within the Natural

Internal Referral Body	Comments
	Environment - Biodiversity referral. No further assessment is provided by Council's Landscape section over and beyond NECC imposed conditions.
NECC (Bushland and Biodiversity)	Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B1.4 Aboriginal Heritage Significance and believes the proposed development complies subject to conditions, as recommended.
NECC (Development Engineering)	A dwelling is to be constructed on proposed Lot 15 within a community lot which is yet to be created and registered with NSW Land Registry Services. No Development Engineering objection is raised to the proposed development subject to the registration of the lot 15 with NSW Land Registry Services.
NECC (Water Management)	Application is recommended for approval with conditions regarding screening of leaf litter prior to the rainwater tank and installation of erosion controls. The applicant should note that as their application places their property at the limit of impervious area restrictions for the subdivision at 29-31 Warriewood Road, any further paving will not be allowable in the future. This is to ensure the constructed bio-retention and detention basin has sufficient capacity to retain and treat water from the development.

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.
NSW Rural Fire Service – local branch (s79BA EPAA)	The application was referred to the NSW Rural Fire Service who provided a response in a letter (Ref: DA18072514179 ME, dated 17 September 2018) stating that the proposal is acceptable subject to recommended conditions. These conditions will be enforced as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 842711S_02 dated 9 July 2018).

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

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	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	% Variation	Complies
Height of Buildings:	10.5m	7m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 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	4m to garage 3m to dwelling 1.5m to articulation zone	4m to garage 3m to dwelling 2.6m to articulation zone	N/A N/A N/A	Yes Yes Yes
Rear building line	4m 6m	2.8m (swimming pool coping) 4.3m (dwelling) 6m	30% N/A	No Yes
Side building line	0.9m (ground floor) 1.5m (upper level)	0.9m 2.3m	N/A N/A	Yes Yes
	0.9m (ground floor) 1.5m (upper level)	0.9m 1.5	N/A N/A	Yes Yes
Landscaped area	35% (107.94m ²)	7.21% (22.25m ²)	79.39% (87.33m ²)	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 x 100 = 95 then 100 - 95 = 5% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	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
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	No	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	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 off-street vehicle parking requirements indicate that a minimum of 2 vehicle parking spaces are to be provided for a dwelling with 2 or more bedrooms. The proposed double garage measured at 5.5 metre x 5.9 metre. As the control requires that for an enclosed garage the internal dimension be 5.7 metre x 6.0 metre for 2 adjacent vehicles, the proposed double garage is technically non-compliant with

this control. The internal dimensions of the double garage however meet the minimum requirements as established in 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 objectives of this clause and the non-compliance is supported on merit.

C1.23 Eaves

No eaves are proposed to the ground floor workshop/garage along the southern and eastern elevations. The proposed development provides for compliant eaves across all elevations of the first floor. While the control requires that eaves must be incorporated on all elevations, the submitted BASIX information indicates that appropriate energy targets relating to solar access and shading would still be achieved. The proposed roof form is also consistent with established housing design in the Warriewood Valley. It is recommended the variation to the control be supported in this particular instance as the outcomes of the control would be satisfied.

D16.5 Landscaped Area for Newly Created Individual Allotments

Required Landscape Area: 35% or 107.94m²

Proposed Landscape Area: 7.21% or 22.25m²

Proposed Landscape Area (including all areas where plants, grasses and trees can grow): 25.04% or 77.23m²

The proposed development is technically non-compliant with the control that requires 35% of the total site area to be dedicated for landscaping. The proposal seeks to vary this control by (79.39%), reducing the overall landscape area to which is 7.21%. The minimum dimensions of 4m for landscaped area under this clause is difficult to achieve due to constraints of the site. Landscape area as defined under the Pittwater LEP 2014 means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. When landscaping is calculated on this basis, the total landscaped area is which is 25.04%. To reduce the overall landscape impacts associated with the development, pebbles are proposed along the side passageways of the dwelling which account for an additional 4.84% (14.92m²). The pebble area is an impervious surface which allows for stormwater runoff to infiltrate the ground into the water table, which satisfies one of the key outcomes of the control. Impervious landscaped treatments including the paved alfresco area and pathways account for a further 7.07% (21.83m²). The landscape setting will also be preserved with native plantings and canopy trees located in the front and rear yard. This will assist in blending the new development into the streetscape and surrounding character of the Warriewood Valley, while also providing for reasonable levels of privacy to be maintained between the development site and neighboring properties. It should be noted that the proposal places the property at the limit of impervious area restrictions for the subdivision at 29-31 Warriewood Road. While there remains a non-compliance, the proposal in this instance is considered to satisfy the objectives of this clause and is supported on its merits.

D16.7 Side and rear building lines

The proposed development is technically non-compliant with the control that requires a 4m rear setback measured from the closest point at the ground floor to the property boundary. Based on the architectural drawings submitted, the rear setback calculated from the swimming pool coping to the rear boundary is 2.8m. While this is technically non-complaint with the control, the proposal allows for greater amenity within the site be allowing for an increased amount of usable open space on a constrained site. The proposed swimming pool is designed to be in-ground to ensure the maintenance of reasonable levels of privacy, amenity and solar access is provided within the development site and for neighbouring properties. Based on the revised landscape plan submitted, screen planting is proposed along southern elevations to further maintain reasonable levels of privacy

and prevent overlooking. The screen planting proposed above the proposed retaining wall and below the existing retaining wall along the eastern rear setback is not authorised due to being proposed within an easement. A condition has therefore been recommended for the screen planting along the eastern rear setback to be relocated clear of the easement and below the proposed retaining wall. The rear and side building setback associated with the proposed dwelling house meet the requirements of the control. The proposal is therefore considered to satisfy the objectives of this clause and is supported on its merits.

D16.13 Building colours and materials

The proposed external colours 'Shale Gray' and 'Lexicon half' are not authorised. A recommended condition will be placed in order to ensure that the development complies with the requirement for dark and earthy tones under this control.

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.

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2018/1203 for Construction of a dwelling house including a swimming pool on proposed Lot 15 on land at Lot 31 DP 5464,31 Warriewood Road, WARRIEWOOD, Lot 30 DP 5464,29 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Registration of title of Lot 15

Proposed Lot 15 is to be registered with Land Titles (NSW Lands and Property Information Office). Evidence that the lot has been registered with Land Titles is to be provided to Council.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. 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
17025-8 Sheet 3 of 12 (Ground Floor Plan)	11 July 2018	Accurate Design and Drafting
17025-8 Sheet 4 of 12 (First Floor Plan)	11 July 2018	Accurate Design and

		Drafting
17025-8 Sheet 5 of 12 (Elevations)	11 July 2018	Accurate Design and Drafting
17025-8 Sheet 6 of 12 (Elevation, Section A-A)	11 July 2018	Accurate Design and Drafting
17025-8 Sheet 7 of 12 (Site, Drainage & Landscape Plan)	11 July 2018	Accurate Design and Drafting

Engineering Plans

Drawing No.	Dated
091217-01- Stormwater Drainage Layout Plan, Issue B	9 December 2017

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate, 842711S_02	9 July 2018	Abeaut Design Pty Ltd t/a Accurate Design and Draft
Geotechnical Report No. J1963	5 October 2018	White Geotechnical Group

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

Landscape Plans

Drawing No.	Dated	Prepared By
Sht-101, Sht-102, Sht-103, Sht-104	26 September 2018	Jamie King Landscape Architect

Waste Management Plan

Drawing No.	Dated	Prepared By
Waste Management Plan	Undated	Icon Homes P/L

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.

In the event of any inconsistency between the Landscape Plan provided as part of 17025-8 Sheet 7 of 12 (Site, Drainage & Landscape Plan) prepared by Accurate Design and Drafting and the Landscape Plans Sht-101, Sht-102 prepared by Jamie King Landscape Architect, the Landscape Plans Sht-101, Sht-102 prepared by Jamie King Landscape Architect will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

3. **Compliance with Other Department, Authority or Service Requirements**

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	Referral - RFS - DA2018/1203 - 29 & 31 Warriewood Road Warriewood	17 September 2018

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

4. **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 (DACPLB09)

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments

Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner

that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

6. Amendments to the approved plans

The following amendments to the approved plans:

- Plans are to be amended for the proposed screen plantings from along the eastern rear setback to be relocated clear of the easement and below the proposed retaining wall.

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

Reason: To ensure compliance with terms of the easement following the issuance of the subdivision certificate.

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

7. Vehicle Driveway Gradients and Parking

Driveway gradients and parking within the private property are comply with AS/NZS2890.1:2004. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure suitable vehicular access to private property

8. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

9. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

10. External Colours and Materials

The external colours and materials shall be dark and earthy tones, non-glare and of low reflectivity. White, light coloured, red or orange roofs and walls are not permitted. The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted. A satisfactory specification which achieves this shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate in the form of a Schedule of Finishes.

Reason: To ensure the external colours and materials comply with Council's requirements

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Maintenance of Road Reserve

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

Reason: Public Safety.

12. Installation and Maintenance of Sediment and Erosion Control

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

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

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

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

13. Landscape completion

Landscaping is to be implemented in accordance with the Landscape documents prepared by Jamie King Landscape Architect, drawings Sht-101, Sht-102, Sht-103, Sht-104 and subject to any conditions of consent:

i) Any damage to the existing street trees will require replacement of like for like consisting of the following specification:

-200 litre *Tristaniosopsis luscious*

-40mm caliper

-2.5m high with tree guard protection (4 x 75 x 75 timber posts and top and mid railings)

ii) 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 of consent.

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

14. **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.

15. **Rainwater tank - BASIX**

Rainwater tank shall incorporate screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank.

Reason: Compliance with SEPP (Exempt and Complying Development Codes) 2008 (Part 2, Division 1, Subdivision 32, 2.64 Development Standards)

16. **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. (DACPLF04)

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

17. **No Planting Environmental Weeds**

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

Reason: Weed management.

18. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

19. **Landscape Plan to be Implemented**

Landscaping is to be implemented in accordance with the approved Landscape Plan authored by Jamie King Landscape Architect, project no. 1922, dated 26/9/2018, drawing no. Sht-101-104. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

Reason: To ensure the site is landscaped.

20. **External Colours and Materials**

Materials and colour schemes are to be maintained in accordance with the amended Schedule of Finishes that was submitted to the Certifying Authority prior to the issue of the Construction Certificate.

21. **Structures on Registered Easements**

Structures of any kind on or over any easements except for any eave and/or gutter an/or roof structure attached to the dwelling or garage, are not authorised and do not form part of this consent.

Reason: To ensure compliance with the terms of the easement following the issuance of the subdivision certificate.

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

Signed



Kent Bull, Planner

The application is determined on 09/11/2018, under the delegated authority of:



Rebecca Englund, Manager Development Assessments