

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2018/1575 |
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| Responsible Officer: | Adam Urbancic |
| Land to be developed (Address): | Lot 20 DP 270907, 26 Baz Retreat WARRIEWOOD NSW 2102 |
| Proposed Development: | Construction of a dwelling house on proposed Lot 20 |
| Zoning: | 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 |

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|----------------------------------|--|
| Application lodged: | 25/09/2018 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Single new detached dwelling |
| Notified: | 28/09/2018 to 17/10/2018 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Recommendation: | Approval |

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| Estimated Cost of Works: | \$ 458,710.00 |
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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 - A5.1 Exhibition, Advertisement and Notification of Applications

Pittwater 21 Development Control Plan - B3.2 Bushfire Hazard

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 - D16.12 Fences

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

SITE DESCRIPTION

| | |
|-----------------------------------|---|
| Property Description: | Lot 20 DP 270907 , 26 Baz Retreat WARRIEWOOD NSW 2102 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the north-eastern side of Baz Retreat.</p> <p>The site is irregular in shape with a frontage of 17.08m along Baz Retreat and an average depth of 26.51m. The site has a surveyed area of 411.9m².</p> <p>The site is located within the R3 Medium Density Residential zone and is currently vacant.</p> <p>The site has an overall slope of 6.84% and falls approximately 1.37m from the rear of the site towards the street frontage.</p> <p>The site does not contain any significant vegetation.</p> <p>A site inspection was conducted on 22 November 2018.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development within the immediate vicinity of the subject site is characterised by vacant residential allotments, along with existing low density residential development located to the north of the subject site across Warriewood Road. There is an existing large allotment located to the west of the subject site, which is currently in the process of being subdivided into smaller residential allotments.</p> |

Map:



SITE HISTORY

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

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.

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.

18 February 2019

Development Application for the construction of ten (10) dwelling houses 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 granted deferred commencement consent. The deferred commencement consent is yet to be activated. This application approved a dwelling house on the subject allotment (Lot 20), which was referenced as Lot 21, as per the numbering in the original Development Consent for the subdivision (N0182/13).

12 March 2019

Subdivision Certificate SC2018/0060 for Stage 2A of the approved subdivision under Development Consent N0182/13 was endorsed by Council's Public Officer. This subdivision plan has since been registered with Land and Property Information NSW, with the subject site now being formally identified as Lot 20 in DP 270907 (26 Baz Retreat, Warriewood).

Note: This site history relates only to the individual allotment legally referred to as Lot 20 in DP 270907 (26 Baz Retreat, Warriewood) and does not include applications relating to other properties located within the approved subdivision.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a new two (2) storey rendered brick and clad dwelling house with an attached double garage, as well as 1800mm high lap and cap fencing along the north-western, north-eastern and south-eastern boundaries and partially within the lot, as well as associated driveway and landscaping works.

Due to insufficient information for assessment, the proposed fencing has been excluded from this assessment and does not form part of this consent. Refer to the discussion under Clause D16.12 Fences within this report for further information.

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)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <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. 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 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> |
| <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> | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of</p> |

| Section 4.15 Matters for Consideration' | Comments |
|--|---|
| | the existing and proposed land use. |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject 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 landscape component of the proposal is acceptable subject to completion of landscaping and protection of existing street trees.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation</p> <p>C1.1 Landscaping</p> <p>D16.5 Landscaped Area for Newly Created Individual Allotments</p> <p>D16.12 Fences</p> <p><u>Planner Comment:</u> The recommended condition from Council's Landscape Officer, requiring the planting of at least three (3) locally native trees, being two (2) within the rear yard and one (1) within the front yard, capable of attaining a mature height of 10m and planted at a minimum of 5m from existing and proposed built structures has been considered, but has been deemed to be impractical for the subject site due to the</p> |

| Internal Referral Body | Comments |
|---|--|
| | minimal setbacks, which would require the planting of trees within the registered drainage easement along the north-western boundary. The submitted landscape plan, prepared by Grant Clement Landscape Architect & Pool Designers and dated 19 September 2018, includes the planting of two (2) Kanooka Water Gum (<i>Tristaniopsis laurina</i> 'Luscious') trees within the rear yard, as well as three (3) Coastal Banksia (<i>Banksia integrifolia</i>) trees within the front yard. It is considered that the subject site can accommodate the required three (3) canopy trees within the front and rear yards, but will be unable to meet the 5m setback requirement. As such, this requirement will be removed from the recommended condition. |
| NECC (Bushland and Biodiversity) | Council's Natural Environment - Biodiversity section has assessed the proposal and notes no biodiversity impacts would result from the proposed application. |
| NECC (Development Engineering) | No objections to the new dwelling subject to conditions. <u>Planner Comment</u> As the proposed development has also been reviewed by Council's Water Management Officer, with a recommended condition for the installation and maintenance of erosion and sediment control measures during works, it is not necessary to also enforce the similar recommended conditions from Council's Development Engineer. |
| NECC (Stormwater and Floodplain Engineering – Flood risk) | Following the completion of the civil works prior to the issue of the subdivision certificate, the subject allotment is not identified as flood affected. No flood related development controls applied. |
| NECC (Water Management) | Application recommended for approval with conditions regarding screening of leaf litter prior to the rainwater tank and installation of erosion controls. |

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 959559S, dated 10 September 2018).

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

| Commitment | Required Target | Proposed |
|------------------------|------------------------|-----------------|
| Water | 40 | 44 |
| 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 | Complies |
|----------------------|-------------|----------|----------|
| Height of Buildings: | 10.5m | 7.96m | 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 | 1.5m to Articulation Zone | 4.11m | N/A | Yes |
| | 4m to Garage/Carport | 4m | N/A | Yes |
| | 3m to Dwelling | 5.7m | N/A | Yes |
| Rear building line | 4m to Ground Floor | 4m | N/A | Yes |
| | 6m to Upper Level | 6.09m | N/A | Yes |
| Side building line | 2.5m (NW) | 3.68m to Ground Floor | N/A | Yes |
| | | 5.41m to Upper Level | N/A | Yes |
| | 0.9m (SE) | 0.91m to Ground Level | N/A | Yes |
| | | 1.5m to Upper Floor | N/A | Yes |
| Landscaped area | 45% (185.36m ²) | 30.57% (125.9m ²) | 32.08% (59.46m ²) | No |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|------------------------------|-----------------------------|
| A4.16 Warriewood Valley Locality | Yes | Yes |
| A5.1 Exhibition, Advertisement and Notification of Applications | Yes | Yes |
| B1.4 Aboriginal Heritage Significance | Yes | Yes |
| B3.2 Bushfire Hazard | N/A | N/A |
| 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 |
| B4.15 Saltmarsh Endangered Ecological Community | Yes | Yes |
| B6.3 Off-Street Vehicle Parking Requirements | No | Yes |
| B8.1 Construction and Demolition - Excavation and Landfill | Yes | Yes |
| B8.2 Construction and Demolition - Erosion and Sediment Management | Yes | Yes |
| B8.3 Construction and Demolition - Waste Minimisation | Yes | Yes |
| B8.4 Construction and Demolition - Site Fencing and Security | Yes | Yes |
| 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 |
| C1.23 Eaves | Yes | 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 | Yes | Yes |
| D16.9 Solar access | Yes | Yes |
| D16.10 Private and Communal Open Space Areas | Yes | Yes |
| D16.12 Fences | No | N/A |
| D16.13 Building colours and materials | No | Yes |
| D16.14 Pets and companion animals | Yes | Yes |

Detailed Assessment

A5.1 Exhibition, Advertisement and Notification of Applications

The development application was notified with the description of 'construction of a dwelling house on proposed Lot 20', which was correct at the time, however, during the assessment process, the subdivision was registered with Land and Property Information NSW and the details relating to the

registered allotment, being Lot 20 in DP 270907 (26 Baz Retreat, Warriewood), was updated in Council's system for this application and will be reflected in the development consent. As the proposed development was not modified as part of this process, other than to reference the now registered allotment, re-notification of the development application was not required.

B3.2 Bushfire Hazard

When the development application was lodged with Council, the subject site formed part of an approved, but unregistered subdivision of 29 and 31 Warriewood Road, Warriewood (Lots 30 and 31 in DP 5464 respectively). As the south-western corner of 31 Warriewood Road was identified as being Bushfire Prone Land, a BAL Risk Assessment Certificate, prepared by John Travers of Travers Bushfire & Ecology and dated 30 January 2018, was provided with the development application and a referral was sent to the NSW Rural Fire Service (NSW RFS) for comment. As the allotment is now registered and is no longer identified as Bushfire Prone Land, compliance with the BAL Risk Assessment Certificate is no longer required, and although the referral was indicated in Council's internal system as being sent to the NSW RFS on 13 November 2018, a response was not received and is also no longer required.

B6.3 Off-Street Vehicle Parking Requirements

The internal dimensions of the proposed double garage (5.59m x 5.52m) do not meet the minimum dimensions stated under this control (5.7m x 6m), however, the internal size complies with the requirements of *AS/NZS 2890.-1 2004: Parking Facilities Part 1: Off Street Car Parking* (5.4m x 5.4m), which can be considered as a variation to Council's requirements in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The proposed development will provide the minimum two (2) off-street parking spaces required under this control, which meets the demands generated by the development.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The proposed double garage minimises rainwater runoff and does not cause any adverse visual or environmental impacts. Furthermore, the proposed double garage has been designed to comply with the relevant Australian Standards and therefore maximises pedestrian and vehicle safety.

- *Safe and convenient parking.*

Comment

Although the proposed double garage is considered to be undersized in accordance with Council's requirements, the double garage meets the minimum dimensions stipulated under the relevant Australian Standards and is therefore considered to be safe and convenient.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D16.5 Landscaped Area for Newly Created Individual Allotments

Required Landscaped Area: 45% or 185.36m²

Proposed Landscaped Area: 30.57% or 125.9m²

Proposed Landscaped Area (including all areas where plants, grasses and trees can grow): 43.6% or 179.6m²

The proposed landscaped area when considering the 4m minimum dimensions stated in this control is 30.57%, which results in a shortfall of the 45% requirement under this control. Despite this, strict compliance with the minimum dimensions is considered unreasonable for this site as it is constrained in overall dimensions and is burdened by a drainage easement along the north-western boundary, limiting the potential to site the building in a location to provide additional landscaped area which is able to meet the requirements of this control. The proposed landscaped area when incorporating all areas on the site where plants, grasses and trees can grow is 43.6%, which results in a marginal shortfall of the overall quantitative requirement of this control. The non-compliance can be considered on merit in accordance with the outcomes of this control, as below.

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*
Comment
 The site does not contain any significant natural features. The proposed development contributes to the effective management of biodiversity by incorporating native vegetation into the landscaping.
- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*
Comment
 The proposed landscaping is of a high quality and is consistent with the landscape character of Warriewood Valley, therefore contributing to the sense of place.
- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*
Comment
 The proposed landscaping consists of generally native vegetation, promoting ecologically sustainable outcomes, and therefore maintaining and enhancing biological diversity and ecological processes.
- *The area of site disturbance is minimised.*
Comment
 The area of site disturbance is minimised generally to the footprint of the dwelling house and associated areas.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
Comment
 The total area to be provided as impervious hard surface is slightly more than what is allowable under this control, therefore, stormwater run-off is technically not reduced, however, the Stormwater Drainage Layout Plan, prepared by VNK Consulting Pty Ltd and dated 8 August 2018, which was submitted with the development application, demonstrates that the additional stormwater run-off can be appropriately managed, preventing soil erosion and siltation of natural drainage channels.
- *Landscaped areas should be predominately areas of deep soil.*
Comment
 The landscaped areas are predominantly deep soil zones enabling the planting of trees and vegetation.
- *New development is blended into the streetscape and neighbourhood through the retention and*

enhancement of vegetation.

Comment

The proposed development will enhance vegetation on the site through additional planting, including trees and shrubs within the front and rear yards of the subject site, therefore blending the new development into the streetscape and neighbourhood.

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

Comment

The proposed development ensures that a reasonable level of privacy and amenity is provided within the development site and is also maintained to neighbouring properties.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D16.12 Fences

Due to insufficient information for assessment (ie. elevations of the proposed fencing), the applicant has agreed to remove the 1800mm lap and cap fencing along the north-western, north-eastern and south-eastern boundaries, and partially within the lot boundaries, from this development application.

As such, a condition will be placed as part of this consent requiring the proposed fencing to be removed from the approved plans, landscape plans and this consent prior to the issue of a Construction Certificate.

D16.13 Building colours and materials

An *External Colour Schedule* with samples has been provided with the application, however, 'Colorbond Surfmist', 'Taubmans Tax Time', 'Taubmans Bright White', 'Taubmans Brilliant White' and 'Stegbar Pearl White', which are to be used on various external features of the dwelling house, are non-compliant with Council's requirement for dark and earthy tones under this control. As these colours are to be used on large and noticeable features of the dwelling house, including the garage door, render and cladding, it is considered that the visual prominence of the development will be increased. Furthermore, the lighter tones are seen to conflict with the dark and earthy tones found in the natural landscape.

As such, a condition will be placed to ensure that the building colours and materials are amended to comply with Council's 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

S94 Contributions are not applicable to this application.

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 DA2018/1575 for Construction of a dwelling house on proposed Lot 20 on land at Lot 20 DP 270907, 26 Baz Retreat, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**
The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|---------------------|
| Drawing No. | Dated | Prepared By |
| 18006-10, Sht 3/12 Ground Floor Plan, | 06.09.2018 | Accurate Design and |

| | | |
|--|------------|------------------------------|
| Issue K | | Drafting |
| 18006-10, Sht 4/12 Upper Floor Plan, Issue K | 06.09.2018 | Accurate Design and Drafting |
| 18006-10, Sht 5/12 Elevations, Issue K | 06.09.2018 | Accurate Design and Drafting |
| 18006-10, Sht 6/12 Elevation, Section & Details, Issue K | 06.09.2018 | Accurate Design and Drafting |
| 18006-10, Sht 7/12 Site Plan, Issue K | 06.09.2018 | Accurate Design and Drafting |

| Engineering Plans | | |
|--|--------------|------------------------|
| Drawing No. | Dated | Prepared By |
| 080818-01 Stormwater Drainage Layout Plan, Issue A | 08.08.2018 | VNK Consulting Pty Ltd |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|--------------|--|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| BASIX Certificate (Cert No. 959559S) | 10.09.2018 | Abeaut Design Pty Ltd t/a Accurate Design and Draf |

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

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

| Landscape Plans | | |
|------------------------------|--------------|--|
| Drawing No. | Dated | Prepared By |
| L 100 Landscape Plan, Rev A | 19.09.2018 | Grant Clement Landscape Architect & Pool Designers |
| L 101 Specification, Rev A | 19.09.2018 | Grant Clement Landscape Architect & Pool Designers |
| L 102 Typical Details, Rev A | 19.09.2018 | Grant Clement Landscape Architect & Pool Designers |

| Waste Management Plan | | |
|------------------------------|--------------|--------------------|
| Drawing No/Title. | Dated | Prepared By |
| Waste Management Plan | 20.09.2018 | 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.

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) 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.

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

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

development site.

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

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

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

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

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

5. **Water Quality**

Rainwater tank shall incorporate screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, as required under *Warriewood Valley Urban Land Release Water Management Specification (2001) 4.3.2 Stormwater Quality Improvement Devices*.

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

Reason: Protection of the receiving environment

6. **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.

7. **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.

8. **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 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 requirement for dark and earthy tones.

9. **Amendments to the Approved Plans and Landscape Plans**

The proposed 1800mm lap and cap fencing along the north-western, north-eastern and south-eastern boundaries, as well as the portions within the lot boundaries, is to be removed from the approved plans and landscape plans, and does not form part of this consent.

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

Reason: To ensure the development is carried out in accordance with this consent.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed to take all foundation loads to below the adjoining pipeline zone of influence.

A statement of compliance and structural details are to be prepared by a suitably qualified Civil Engineer and submitted to the Certifying Authority for approval prior to issue of the construction certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

11. **Street tree protection**

A) All existing street trees shall be retained during the works, including any street tree within the estate,

B) Tree protection shall be generally undertaken as follows:

i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4,

ii) to minimise the impact on street trees to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of any street tree required to be retained.

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

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 080818-01-A prepared by VNK Consulting Pty Ltd (August 2018).

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 works**

Landscaping is to be implemented in accordance with the Landscape documents prepared by Grant Clement Landscape Architect, drawing L100 revision A, and subject to any conditions of consent:

i) At least three (3) locally native canopy trees are to be provided on site to achieve a mature height of 10 metres, and visually reduce the height, bulk and scale of the development, with two (2) in the rear yard and one (1) in the front yard. These shall be planted at minimum 75 litre size. Each tree planted is to have a minimum area of 3 metres x 3 metres contained wholly within the site.

ii) Fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation such as low hedges, garden beds or the like.

iii) 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. **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.

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

16. **Landscape maintenance**

All landscape components are to be maintained for the life of the development. 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 to maintain the landscape theme and be generally in accordance with the Landscape Plan.

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

17. **Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the Biodiversity Conservation Act 2016.

Reason: preservation of environmental amenity.

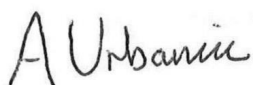
18. **Maintenance of External Colours and Materials**

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.

Reason: To ensure ongoing compliance with the conditions of consent.

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

Signed



Adam Urbancic, Planner

The application is determined on 06/06/2019, under the delegated authority of:



northern
beaches
council

A handwritten signature in blue ink, appearing to read 'D. Milliken'.

Daniel Milliken, Acting Development Assessment Manager