

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0002
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<b>Responsible Officer:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 9 DP 270907, 7 Baz Retreat WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of a dwelling house on future Lot 9
<b>Zoning:</b>	R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Colonial Credits Pty Ltd
<b>Applicant:</b>	PCL & APR Pty Ltd T/As Icon Homes

<b>Application lodged:</b>	02/01/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	08/01/2019 to 29/01/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 396,845.00
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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 - 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 - D16.13 Building colours and materials

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 9 DP 270907 , 7 Baz Retreat WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	The subject site is currently identified as No 7 Baz retreat Warriewood (Lot 9 DP270907). The subject site is irregularly shaped and has a site area of 353.2sqm. Primary and vehicular and pedestrian access is proposed via the 13.86m wide frontage facing Baz retreat. The site is currently vacant, undeveloped land (i.e. no built structures are present). Directly adjoining and adjacent to the subject site are vacant allotments. Areas to the north and east of 29 and 31 Warriewood Road consist of predominantly 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.

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.

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 was determined on 23 November 2018.

#### 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 was determined on 18 February 2019.

#### 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.

#### 10 July 2018

Subdivision Certificate SC2018/0058 was lodged with Council for a Torrens title subdivision and is has been registered with LPI.

#### 17 July 2018

Subdivision Certificate SC2018/0060 was lodged with Council for a Stage 2A Torrens title subdivision and has been registered with LPI.

#### 25 September 2018

Development Application DA2018/1575 for the construction of a dwelling house on proposed lot 20 was lodged with Council. This application is yet to be determined.

#### 9 October 2018

Development Application DA2018/1648 for the construction of a dwelling house on proposed lot 22 was lodged with Council. This application was determined on 25 March 2019.

#### 9 November 2018

Development Application DA2018/1200 for the construction of a dwelling house on proposed Lot 6 was determined with an approval for a deferred commencement consent.

#### 14 November 2018

Modification Application Mod2018/0617 of Development Consent N0182/13 was lodged with Council.

#### 23 November 2018

Development Application DA2018/1201 for the construction of a dwelling house on proposed Lot 7 was determined with an approval for a deferred commencement consent.

#### 23 November 2018

Development Application DA2018/1202 for the construction of a dwelling house on proposed Lot 8 was determined with an approval for a deferred commencement consent.

#### 23 November 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 determined with an approval for a deferred commencement consent under the delegation of the Northern Beaches Local Planning Panel.

#### 6 December 2018

Development Application DA2018/1203 for the construction of a dwelling house including swimming pool on proposed Lot 15 was determined with an approval for a deferred commencement consent.

#### 1 February 2019

Development Application DA2019/0072 for the construction of a dwelling house on proposed Lot 10 was lodged with Council. This application was rejected under delegation on 6 February 2019.

#### 7 February 2019

Development Application DA2019/0096 for the construction of a dwelling house on proposed Lot 6 fronting Warriewood Road was lodged with Council. This application is yet to be determined.

#### 12 March 2019

Modification Application Mod2018/0617 was determined with an approval by Council.

#### 12 March 2019

Subdivision Certificates SC2018/0058 and SC2018/0060 were determined with an approval by Council.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks consent for the construction of a new two (2) storey dwelling.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

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

<b>Section 4.15 Matters for Consideration'</b>	<b>Comments</b>
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 Matters for Consideration'	Comments
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&amp;A Regulation 2000)</p>	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, 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&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of</p>

Section 4.15 Matters for Consideration'	Comments
	<p>the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D16.5 Landscaped Area for Newly Created Individual Allotments D16.12 Fences</p> <p><u>Planner's Comment:</u></p> <p>Council's Landscape Officer recommends an amended landscape plan be submitted to the Certifying Authority demonstrating the following landscape requirements:</p>

Internal Referral Body	Comments
	<p>i) At least three (3) locally native canopy trees are to be provided on site rear yard and one (1) in the front yard. These shall be planted at minimum trees are to be located a minimum of 3 metres from existing and proposed</p> <p>ii) a minimum of 60% of locally native vegetation species across the site</p> <p>iii) additional screen shrub planting along the rear boundary to improve</p> <p>iv) fencing is not permitted forward of the front building line. Boundaries</p> <p>v) prior to the issue of an Occupation Certificate, a landscape report prepared have been completed in accordance with the landscape plan and included</p> <p>Whilst the requirement for three (3) canopy trees is prescribed within Council which has raised concern in regards to the sites capacity to provide three</p> <p><i>Insufficient area is available for 2 trees to the front. On merit it</i></p> <p>A further assessment of the proposed plans indicate that there is insufficient Due to the non-complying area of landscaped open space being provided dwelling.</p> <p>The condition has therefore being amended to reduce the requirement landscape plan is still required.</p>
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against Pittwater LEP 7.6, and DCP B4.4. It is proposed to turf the rear yard and plant non locally-native tree and shrub species in the front. The controls require the site to contain at least 60% locally native species from the "Lowlands" vegetation type prescribed in the <i>Native Gardening</i> booklet available</p>



Internal Referral Body	Comments
	on Councils website. DCP C1.1 requires canopy tree planting. Conditions will be imposed for a revised Landscape plan prior to CC.
NECC (Development Engineering)	No objections to the proposed new dwelling subject to conditions.
NECC (Riparian Lands and Creeks)	This application is recommended for approval with conditions. Sediment and erosion controls must be installed prior to any work on site and maintained until groundcover is re-established. Particular care should be taken to ensure sediment from the site does not enter the street drains or the stormwater pit on the site, as this will impact the bio-retention basin for 29-31 Warriewood Road.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The civil works required prior to the issue of the subdivision certificate at 29-31 Warriewood Road will ensure that the proposed development on future Lot 9 of the development will not be subject to flood risk in a 1 in 100 year flood event. No flood related development controls applied.
NECC (Water Management)	Please refer to Riparian referral response.

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 letter (Ref: DA19011016893 GB, dated 23 January 2019) stating that the property is acceptable subject to recommended conditions. Originally the site was not registered and was identified within Lot 31 DP 5464, 31 Warriewood Road and Lot 30 DP5464, 29 Warriewood Road, which was classified as Bushfire Prone Land. The site has been recently subdivided and resregistered with the NSW Land Registry Office and is now identified as Lot 9

## 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. 983406S dated 05 December 2018).

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

Commitment	Required Target	Proposed
Water	40	45
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?	No

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10.5m	7.51m	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	No
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	4.0m to garage	4.2m	N/A	Yes
	3.0m to dwelling	3.02m	N/A	Yes
	1.5m to articulation zone	1.5m - 1.8m	N/A	Yes
Rear building line	4.0m	5.0m	N/A	Yes
Side building line	2.5m	2.51m	N/A	Yes
	0.9m	0.9m	N/A	Yes
Landscaped area	45%	23% (81.2sqm)	51%	No

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

### 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
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
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

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
B8.6 Construction and Demolition - Traffic Management Plan	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
D16.11 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

#### Detailed Assessment

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

The off-street vehicle parking requirements state that a minimum of 2 vehicle parking spaces are to be provided for a dwelling with 2 or more bedrooms. The proposed garage measured at 5.5 metres x 5.6 metres. Whilst the control requires that for an enclosed garage the internal dimensions be 5.7 metres x 6.0 metres for 2 adjacent vehicles, the proposed double garage is technically non-compliant with this control. The internal dimensions of the double garage does however meet the minimum requirements as established in the current Australian Standards. The garage being designed within the built form of the development also addresses the outcomes for safe and convenient parking as well as minimising rainwater runoff. The proposed development is therefore considered to meet the outcomes of this clause and the non-compliance is supported on merit.

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

Required landscape Area 45% or 158.94sqm

Proposed Landscape Area: 23% or 81.2sqm

Proposed landscape Area (including all areas where plants, grasses and trees can grow): 36.61% or 129.32sqm.

The proposed development is non-compliant with the control that requires 45% of the total site area dedicated for landscaping. The proposal seeks to vary this control by 51% reducing the overall landscaped area to 23%. The minimum dimensions of 4m for landscaped area under this clause is difficult to achieve due to the size 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 36.61%. To reduce the overall landscape impacts associated with the development, a mulched pathway is proposed along the north western elevation of the site which accounts for an additional 4.19% (14.8sqm). The addition of the mulched area increases the landscaped area to 42%. The mulched area is an impervious surface which allows for stormwater runoff to infiltrate the ground water table, which satisfies one of the key outcomes of the control. The landscaping setting will also be enhanced with native plantings and canopy trees located in the front and rear yard. This will assist in blending the new developments into the streetscape and surrounding character of Warriewood Valley, while also providing for reasonable levels of privacy to be maintained between the development site and neighbouring properties. The application has also been referred to Council's Water Management Officer and no objections have been raised with regards to impervious area restrictions. While there remains a non-compliance, the proposal in this instance is considered to satisfy the outcomes and is supported on its merits.

#### **D16.13 Building colours and materials**

A *Schedule of Colours and Materials* with samples has been provided with the application, however 'Colorbond Shale Grey', which is to be used for cladding and rendering of the dwelling house is non-compliant with Council's requirements for dark and earthy tones under this control. As 'Colorbond Shale Grey' is to be used on large and noticeable features of the dwelling house, it is considered that the visual prominence of the development will be increased. Furthermore, the lighter toned 'Colorbond Shale Grey' is 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 DA2019/0002 for Construction of a dwelling house on future Lot 9 on land at Lot 9 DP 270907, 7 Baz Retreat, WARRIEWOOD, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. **Approved Plans and Supporting Documentation**

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

##### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
17235-5 - Sheet 3/14 - Issue F	5 December 2018	Accurate Design and Drafting
17235-5 - Sheet 4/14 - Issue F	5 December 2018	Accurate Design and Drafting



17235-5 - Sheet 5/14 - Issue F	5 December 2018	Accurate Design and Drafting
17235-5 - Sheet 6/14 - Issue F	5 December 2018	Accurate Design and Drafting
17235-5 - Sheet 7/14 - Issue F	5 December 2018	Accurate Design and Drafting
17235-5 - Sheet 8/14 - Issue F	5 December 2018	Accurate Design and Drafting

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No 983406S	16 October 2018	Abeaut Design Pty Ltd t/a Accurate Design and Drafting

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	Not specified	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](http://www.northernbeaches.nsw.gov.au)).

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

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

## CERTIFICATE

### 5. **Amended Landscape Plan**

An amended Landscape Plan shall be submitted to the Certifying Authority, demonstrating the following landscape requirements:

- i) At least three (3) locally native canopy trees are to be provided on site to achieve a mature height of 8.5 to 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. Canopy trees are to be located a minimum of 3 metres from existing and proposed built structures,
- ii) a minimum of 60% of locally native vegetation species across the site,
- iii) 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,
- iv) 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.

### 6. **Revised Landscape Plan**

Prior to the issue of a Construction Certificate, a revised Landscape Plan is to be provided to the Principal Certifying Authority that shows:

- a minimum of 60% of locally native vegetation species on the site;
- at least one locally native canopy tree (min. height 8.5m) planted on the site.

Note - locally native species are to be selected from the "Lowlands" vegetation type prescribed in the Native Gardening booklet available on Councils website.

**Reason:** To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNECPCC2)

### 7. **Compliance with Standards**

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

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

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

### 8. **External Finishes to Roof**

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

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

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

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 9. **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).

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 10. **Temporary Sediment**

Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

Reason: To reduce erosion and prevent sediment runoff into public assets

### 11. **Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

### 12. **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.

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

### 13. **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.

**14. Vegetation planting**

Prior to the issue of any Occupation Certificate, photographic evidence is to be provided to the Principal Certifying Authority that shows planting has been undertaken in accordance with the revised Landscape Plan, including:

- a minimum of 60% of locally native vegetation species on the site;
- replacement of the Fraxinus Oxycarpa tree with a locally native tree species
- at least one locally native canopy tree (min. height 8.5m) planted on the site.

Note - locally native species are to be selected from the "Lowlands" vegetation type prescribed in the Native Gardening booklet available on Councils website.

**Reason:** To maintain native vegetation in accordance with relevant Natural Environment LEP/DCP controls. (DACNEFPOC1)

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

**15. 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.

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

**16. Environmental and priority weed control**

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

**Reason:** preservation of environmental amenity.

**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. Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation

must be contacted for advice.

**Reason:** To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

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

**Signed**



**Penny Wood, Planner**

The application is determined on 17/05/2019, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**