

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0436
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 11 DP 270907, 8 Baz Retreat WARRIEWOOD NSW 2102 Lot 10 DP 270907, 9 Baz Retreat WARRIEWOOD NSW 2102
Proposed Development:	Construction of semi-detached dwellings and subdivision
Zoning:	R3 Medium Density Residential R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd
Applicant:	Colonial Credits Pty Ltd

Application Lodged:	04/05/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	15/05/2020 to 29/05/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,433,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for the following works:

- Construction of four two-storey semi-detached dwellings across two lots;
- Landscaping works; and
- Torrens title subdivision of the two lots into four.

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 Local Environmental Plan 2014 - 6.1 Warriewood Valley Release Area

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.2 Earthworks

Pittwater Local Environmental Plan 2014 - 7.6 Biodiversity protection

Pittwater Local Environmental Plan 2014 - 7.10 Essential services

Pittwater 21 Development Control Plan - C1.23 Eaves

Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments

SITE DESCRIPTION

Property Description:	<p>Lot 11 DP 270907 , 8 Baz Retreat WARRIEWOOD NSW 2102</p> <p>Lot 10 DP 270907 , 9 Baz Retreat WARRIEWOOD NSW 2102</p>
Detailed Site Description:	<p>The subject site consists of two allotments, one located on the eastern side of Baz Retreat (8 Baz Retreat), and one located on the western side of Baz Rereat (9 Baz Retreat).</p> <p>The lots are irregular in shape with frontages of 12.5m (8 Baz Retreat) and 13.85m (9 Baz Retreat), and maximum depths of 28m (8 Baz Retreat) and 29.85m (9 Baz Retreat). The lots have surveyed areas of 338.1sqm (8 Baz Retreat) and 345.2sqm (9 Baz Retreat).</p> <p>The lots are located within the R3 Medium Density Residential zone and are currently vacant, with the exception of crane equipment on 9 Baz Retreat, for the construction of a residential flat building development next</p>

door.

The lots gently slope from east to west, and are cleared of vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by vacant lots (or lots with dwellings under construction), detached dwelling houses, townhouses, and a residential flat building (under construction).

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 recent history:

- N0182/13 for 40-lot subdivision of existing sites and demolition of existing structures was approved on 15 October 2014 by the NSW Land and Environment Court.
- N0182/13/S96/1 for modification of development consent N0182/13 was approved on 3 August 2015 by Council staff.
- N0182/13/S96/2 for modification of development consent N0182/13 was approved on 31 July 2015 by Council staff.
- Mod2017/0344 for modification of development consent N0182/13 was approved on 27 April 2018 by Council staff.
- Mod2018/0617 for modification of development consent N0182/13 was approved on 12 March 2019 by Council staff.
- Pre-lodgement Meeting PLM2019/0260 was held on 10 December 2019 to discuss construction of a two semi-detached dwelling houses on lots 10 & 11.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been vacant for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions received.
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	The proposed application seeks the torrens title subdivision of Lot 10 (9 Baz Retreat) into two lots and Lot 11 (8 Baz Retreat) into two lots,

Internal Referral Body	Comments
	<p>and the construction of two semi-attached dwelling upon each of Lot 10 and Lot 11, including associated external works.</p> <p>Council's Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D16.5 Landscaped Area for Newly Created Individual Allotments</p> <p>The proposed application is acceptable In terms of landscape outcome, subject to conditions on the completion of landscaping, and subject to conditions to protect existing street tree planting.</p> <p>A Landscape Plan is provided with the development application. The Landscape Plan provides compliance to D16.5 Landscaped Area for Newly Created Individual Allotments requirements in terms of tree planting, and conditions of consent shall be imposed on appropriately locating such tree planting. The Landscaped Area for dwelling 2 upon Lot 10 is less than the required area, however the landscape outcome including proposed tree planting satisfies the Pittwater intent of the 21 DCP landscape controls.</p> <p>No Arboricultural Impact Assessment report is provided, nor required in this instance. The site does not contain any trees of significance. The existing street trees along the Baz Retreat street frontage and additionally any existing street trees in the vicinity of the site must be protected during all stages of works.</p>
NECC (Bushland and Biodiversity)	The lot was created as part of an approved subdivision within the Warriewood Valley release area. The site has been previously cleared and is not within or interface with the riparian zone or portion of the parent lot mapped as Biodiversity under the Pittwater LEP 2014. The development will not have a significant effect on biodiversity and therefore no further assessment is required.
NECC (Development Engineering)	No objections to the duplex subject to conditions.
NECC (Water Management)	This application has been assessed for compliance with the Water Management Report for the subdivision of 29-31 Warriewood Road, prepared by Civil Cert and dated 1/1/2018. Site coverage is less than the maximum 65% allowed under the WMR and the stormwater plan prepared by Ibrahim Stormwater Consultants meets requirements. Care must be taken with sediment and erosion controls to prevent sediment entering the stormwater network and impacting the bio-retention basin on the site, which will be responsibility of the property owners to clean. Council proactively regulates construction sites for sediment management. The application is recommended for approval.
Strategic and Place Planning (S94 Warriewood Valley)	The application proposes re-subdivision of 8 Baz Retreat (Lot 11 DP 270907) and 9 Baz Retreat (Lot 10 DP 270907). The existing allotments were created under DA N0182/13. A development contribution for the creation of these allotments was levied and has been paid. This contribution included the dedication of creek

Internal Referral Body	Comments
	corridor land for an offset in the monetary contribution. In this instance, a contribution for the creation of two additional allotments will be required in accordance with the Warriewood Valley Contribution Plan (as amended). The application is acceptable with condition of consent.
Waste Officer	The applicant has complied with the Northern Beaches Waste Management Guidelines. The Waste Storage Area for each dwelling must be a designated area within the property to accommodate 4 waste and recycling containers. The quantities and dimensions for each container are 1 x 80L: · Depth: 500mm · Width: 450mm · Height: 850mm 2 x 140L: · Depth: 650mm · Width: 550mm · Height: 920mm 1 x 240L: · Depth: 750mm · Width: 600mm · Height: 1080mm Each individual dwelling will receive own set of bins and be required to present at kerbside on Baz Retreat for collection.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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 vacant 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 Nos. 1081023S, 1083290S, 1083308S, and 1083322S dated 9 April 2020). A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	Nil	Lot 10 - 9 Baz Retreat: Proposed Lot 24: 181.4sqm Proposed Lot 25: 163.8sqm Lot 11 - 8 Baz Retreat: Proposed Lot 26: 166.5sqm Proposed Lot 27: 171.6sqm	-	-
Height of Buildings:	10.5m	Lot 10 - 9 Baz Retreat: 7.8m Lot 11 - 8 Baz Retreat: 8.8m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

6.1 Warriewood Valley Release Area

The subject lots are classified under buffer areas 1k (8 Baz Retreat) and 1j (9 Baz Retreat). Buffer area 1j allows not more than 40 dwellings or less than 26 dwellings. Buffer area 1k allows not more than 21 dwellings or less than 14 dwellings. This totals not more than 61 dwellings or less than 40 dwellings across the buffer areas. Across the two buffer areas, the lots contain provision for 59 dwellings. The proposed two additional dwellings brings the total to 61 dwellings. The proposal demonstrates compliance with the dwelling density requirement.

7.1 Acid sulfate soils

Clause 7.1 - 'Acid sulfate soils' requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. The site is located in an area identified as Acid Sulfate Soil Class 5, as indicated on Council's Acid Sulfate Soils Planning Map. No works are proposed within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum or by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment:

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment:

The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

7.6 Biodiversity protection

Before determining a development application for development on land to which this clause applies, this clause requires the consent authority to consider:

(a) whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of*

the land, and

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

Comment:

The development has been assessed by Council's Natural Environment Officer, who raised no objections to approval. Therefore, Council can be satisfied that the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land; the importance of the vegetation on the land to the habitat and survival of native fauna; or the habitat elements providing connectivity on the land. Council is also satisfied that the development will not unreasonably fragment, disturb, or diminish the biodiversity structure, function, or composition of the land.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment:

The development has been assessed by Council's Natural Environment Officer, who raised no objections to approval. Therefore, Council can be satisfied that the proposal includes appropriate measures to avoid, minimise, or mitigate the impacts of the development.

Before granting development consent, this clause also requires the consent authority to be satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The development has been assessed by Council's Natural Environment Officer, who raised no objections to approval. Therefore, Council can be satisfied that the development is designed, sited and will be managed to any significant adverse environmental impact.

7.10 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Comment:

The subject site is supplied with access to all the above services.

Pittwater 21 Development Control Plan

Built Form Controls

Lot 10 - 9 Baz Retreat				
Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Min. 1.5m articulation zone	Lot 24: 4.3m	-	Yes

	Min. 5.5m to dwelling	Lot 25: 4.5m	-	Yes
		Lot 24: 5.5m	-	Yes
	Min. 4m to garage	Lot 25: 5.7m	-	Yes
		Lot 24: 5.9m	-	Yes
		Lot 25: 6.1m	-	Yes
Rear building line	Min. 4m	Lot 24: 6.1m	-	Yes
		Lot 25: 4.1m	-	Yes
Side building line	0m	Lot 24: 0m (SE)	-	Yes
		Lot 25: 0m (NW)	-	Yes
	Min. 900mm	Lot 24: 1.2m (NW)	-	Yes
		Lot 25: 1.2m	-	Yes
Landscaped area	Min. 25% of site area Min. 45.35sqm to Lot 24 Min. 40.95sqm to Lot 25 Min. 3m dimension	Lot 24: 28.94% (52.5sqm) Min. 3m	-	Yes
		Lot 25: 17.82% (29.2sqm) Min. 3m	28.7%	No
Parking spaces	2 spaces	Lot 24: 2 spaces	-	Yes
		Lot 25: 2 spaces	-	Yes

Lot 10 - 9 Baz Retreat				
Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Min. 1.5m articulation zone	Lot 26: 6m	-	Yes
		Lot 27: 6.7m	-	Yes
	Min. 5.5m to dwelling	Lot 26: 6.7m	-	Yes
		Lot 27: 7.5m	-	Yes
	Min. 4m to garage	Lot 26: 7m	-	Yes
		Lot 27: 7.3m	-	Yes

Rear building line	Min. 4m	Lot 26: 4.5m	-	Yes
		Lot 27: 4.7m	-	Yes
Side building line	0m	Lot 26: 0m (SE)	-	Yes
		Lot 27: 0m (NW)	-	Yes
	Min. 900mm	Lot 26: 900mm (NW)	-	Yes
		Lot 27: 900mm (SE)	-	Yes
Landscaped area	Min. 25% of site area Min. 41.63sqm to Lot 26 Min. 42.9sqm to Lot 27 Min. 3m dimension	Lot 26: 15.5% (25.8sqm) Min. 3m	38%	No
		Lot 27: 15.7% (26.9sqm) Min. 3m	37.3%	No
Parking Spaces	2 spaces	Lot 26: 2 spaces	-	Yes
		Lot 27: 2 spaces	-	Yes

***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
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1.15 Storage Facilities	Yes	Yes
C1.23 Eaves	No	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	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
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

C1.23 Eaves

The semi-detached dwellings on Lot 11 do not provide eaves, where this control required 450mm eaves. The outcomes of the control are addressed as follows:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Comment:

The proposed semi-detached dwellings are consistent with the style and density envisaged for the Warriewood Valley locality, as detailed by Clause A4.16 Warriewood Valley of the P21 DCP. As such, the proposed dwelling is consistent with the character of the Pittwater area.

Optimise roof forms. (S)

Comment:

The proposed roof form of the pair of semi-detached dwellings is flat, and consistent with other recent approvals and constructions in the immediate vicinity and surrounding locality.

Appropriate solar access and shading is achieved. (En)

Comment:

The proposed semi-detached dwellings are supported by a BASIX Certificate, demonstrating that the proposed development achieves suitable solar access and energy ratings.

D16.5 Landscaped Area for Newly Created Individual Allotments

The proposed development indicates landscaped areas of 17.25% to Lot 25, 15.5% to Lot 26, and 15.7% to Lot 27, where 25% is required. The outcomes of the control are addressed as follows:

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

Comment:

The subject sites are relatively level and do not contain any significant vegetation or topographical features. The development incorporates landscape plans for each proposed lot which incorporates suitable landscaping of the site, in accordance with the landscaped character of the locality.

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

Comment:

As above, the development is supported by suitable landscape plans, demonstrating planting in accordance with the Warriewood Valley landscape character.

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

Comment:

The subject lots are currently vacant and cleared of vegetation. The proposed landscaping schemes in the landscape plans demonstrate an enhancement of the site's vegetation, in order to promote an ecologically sustainable outcome.

The area of site disturbance is minimised.

Comment:

The proposed semi-detached dwellings do not rely on significant excavation, thereby minimising site disturbance.

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

Comment:

The proposed development is supported by stormwater plans, demonstrating suitable stormwater management for each semi-detached dwelling.

Landscaped areas should be predominately areas of deep soil.

Comment:

All landscaped areas are deep soil areas, capable of supporting a range of vegetation types.

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

Comment:

The subject lots and adjacent sites are predominantly cleared of vegetation. The proposed vegetation shown in the landscape plans will assist in enhancing the streetscape and landscape character of the locality.

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

Comment:

The proposed development is designed and sited so as to provide acceptable levels of privacy and amenity for the subject lots and adjacent sites.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0436 for Construction of semi-detached dwellings and subdivision on land at Lot 11 DP 270907, 8 Baz Retreat, WARRIEWOOD, Lot 10 DP 270907, 9 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
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Drawing No.	Dated	Prepared By
A1000 Site Plan (Lot 10 Warriewood)	Undated	DKO Architecture
A2100 Ground Floor Plan (Lot 10 Warriewood)	Undated	DKO Architecture
A2101 First Floor Plan (Lot 10 Warriewood)	Undated	DKO Architecture
A2102 Roof Plan (Lot 10 Warriewood)	Undated	DKO Architecture
A3000 Elevations (Lot 10 Warriewood)	Undated	DKO Architecture
A3001 Elevations (Lot 10 Warriewood)	Undated	DKO Architecture
A3100 Sections (Lot 10 Warriewood)	Undated	DKO Architecture
A3101 Sections (Lot 10 Warriewood)	Undated	DKO Architecture
A1000 Site Plan (Lot 11 Warriewood)	Undated	DKO Architecture
A2100 Ground Floor Plan (Lot 11 Warriewood)	Undated	DKO Architecture
A2101 First Floor Plan (Lot 11 Warriewood)	Undated	DKO Architecture
A2102 Roof Plan (Lot 11 Warriewood)	Undated	DKO Architecture
A3000 Elevations (Lot 11 Warriewood)	Undated	DKO Architecture
A3001 Elevations (Lot 11 Warriewood)	Undated	DKO Architecture
A3100 Sections (Lot 11 Warriewood)	Undated	DKO Architecture
A3101 Sections (Lot 11 Warriewood)	Undated	DKO Architecture
Plan of Subdivision of Lots 10 and 11 Sheet 1 of 2 Sheets	20 November 2019	Mitchell Keith Ayres
Plan of Subdivision of Lots 10 and 11 Sheet 2 of 2 Sheets	20 November 2019	Mitchell Keith Ayres

Engineering Plans		
Drawing No.	Dated	Prepared By
C1 Cover Sheet & Notes (Lot 10, Bazem Retreat Warriewood)	25 March 2020	Nastasi & Associates
C2 Drainage Plan (Lot 10, Bazem Retreat Warriewood)	25 March 2020	Nastasi & Associates
C3 Stormwater Details (Lot 10, Bazem Retreat Warriewood)	25 March 2020	Nastasi & Associates
C4 (Lot 10, Bazem Retreat Warriewood)	25 March 2020	Nastasi & Associates
C1 Cover Sheet & Notes (Lot 11, Bazem Retreat Warriewood)	26 March 2020	Nastasi & Associates
C2 Drainage Plan (Lot 11, Bazem Retreat Warriewood)	26 March 2020	Nastasi & Associates
C3 Stormwater Details (Lot 11, Bazem Retreat Warriewood)	26 March 2020	Nastasi & Associates
C4 Sediment Control Plan (Lot 11, Bazem Retreat Warriewood)	26 March 2020	Nastasi & Associates

Reports / Documentation – All recommendations and requirements contained

within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1083322S	9 April 2020	EcoMode Design
BASIX Certificate No. 1083290S	9 April 2020	EcoMode Design
BASIX Certificate No. 1081023S	9 April 2020	EcoMode Design
BASIX Certificate No. 1083308S	9 April 2020	EcoMode Design
NatHERS Certificate No. 0004748232	9 April 2020	EcoMode Design
NatHERS Certificate No. 0004748240	9 April 2020	EcoMode Design
NatHERS Certificate No. 0004748224	9 April 2020	EcoMode Design
NatHERS Certificate No. 0004748257	9 April 2020	EcoMode Design

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
A1001 Site Plan - Landscape (Lot 10 Warriewood)	Undated	DKO Architecture
DA-01 Surface Finishes & Planting Plan (Warriewood Lot 10)	1 July 2019	Hamilton Landscape Architects
DA-02 Landscape Details (Warriewood Lot 10)	1 July 2019	Hamilton Landscape Architects
A1001 Site Plan - Landscape (Lot 11 Warriewood)	Undated	DKO Architecture
DA-01 Surface Finishes & Planting Plan (Warriewood Lot 11)	30 September 2019	Hamilton Landscape Architects
DA-02 Landscape Details (Warriewood Lot 11)	30 September 2019	Hamilton Landscape Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	Undated	Applicant

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Prescribed Conditions

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that

occurs on Council's property.

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

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

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

6. **Warriewood Valley Contributions Plan - No creekline corridor**

A total cash contribution of \$135,934.54 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Warriewood Valley Development Contributions Plan (as amended).

A cash contribution of \$67,967.27 is payable for the subdivision of 8 Baz Retreat (Lot 11 DP270907) pursuant to a) below.

- a. Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the construction certificate or subdivision certificate (whichever occurs first) for the subdivision of 8 Baz Retreat (Lot 11 DP270907). If the monetary contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will increase on a quarterly basis in accordance with the applicable Consumer Price Index.
- b. The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any

portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A cash contribution of \$67,967.27 is payable for the subdivision of 9 Baz Retreat (Lot 10 DP270907) pursuant to a) below.

- a. Written evidence (receipt/s) from Council for the payment of the monetary contribution is to be provided to the Certifying Authority prior to issue of the construction certificate or subdivision certificate (whichever occurs first) for the subdivision of 9 Baz Retreat (Lot 10 DP270907). If the monetary contribution (total or in part) remains unpaid after the financial quarter in which the development consent is issued, the amount unpaid (whether it be the full monetary contribution amount or a part thereof) will increase on a quarterly basis in accordance with the applicable Consumer Price Index.
- b. The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land in lieu of the monetary contribution above (or any portion of that monetary contribution) or the deferral of payments through a Material Public Benefit Agreement between Council and the Applicant in accordance with the Warriewood Valley Development Contributions Plan (as amended). The agreement for Material Public Benefit Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) may be viewed at 725 Pittwater Road, Dee Why or on Council's website Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Warriewood Valley Release Area.

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

7. **Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site. Stormwater shall be conveyed from the site to the kerb and gutter.

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

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

8. **Boundary Identification Survey**

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

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

this consent.

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

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

9. **Vehicle Driveway Gradients**

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

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

Reason: To ensure suitable vehicular access to private property.

10. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

11. **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.

12. **Waste and Recycling Requirements**

Details demonstrating compliance with Northern Beaches Development Control Plan – Part C9 Waste Management, including the required Northern Beaches Waste Management Plan, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with Northern Beaches Development Control Plan – Part C9 Waste Management, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Road Reserve**

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

Reason: Public safety.

14. **Survey Certificate**

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

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

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

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

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

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

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

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

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

16. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes.

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

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

17. **Vehicle Crossings**

The Applicant is to construct two vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

18. **Protection of Existing Street Trees**

All existing street trees along the frontage of the Lot 10 (2 *Tristaniosopsis* 'luscious') and Lot 11 (2 *Tristaniosopsis* 'luscious') and generally in the vicinity of the works shall be retained during all construction stages. To each tree fronting Lot 10 and Lot 11, tree protection fencing shall be erected around the trees consisting of a four sided 1.8m high x 2.4m length standard wire mesh construction fence, in accordance with Australian Standard AS 4687-2007 - Temporary Fencing & Hoardings, shall be installed around the tree for the duration of the works. Any street tree damaged or removed shall be replaced at a container size of 200 litres, and in accordance with guidelines provided by Council.

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

19. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Nastasi and Associates prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

20. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan received 18 April 2020.

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

21. **Waste/Recycling Requirements (Materials)**

During demolition and/or construction the following materials are to be separated for recycling – timber – bricks – tiles – plasterboard – metal – concrete, and evidence of disposal for recycling is to be retained on site.

Reason: To ensure waste is minimised and recovered for recycling where possible.

OCCUPATION CERTIFICATE

22. **Landscape Works Completion**

Landscaping shall be completed in accordance with the Landscape Plans identified as Lot 10 drawing number DA-01 and DA-02, prepared by Hamilton Landscape Architects; and Landscape Plans identified as Lot 11 drawing number DA-01 and DA-02, prepared by Hamilton Landscape Architects, inclusive of the following requirements:

- i) the nominated tree planting shall be planted at minimum 75 litre size,
- ii) the proposed root barrier shall be installed to the alignment as shown on the Landscape Plans, with photographic evidence to be provided of the root barrier in the ground,
- iii) fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation as nominated on the Landscape Plans, such as low hedges, garden beds or the like.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.

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

23. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled.

24. **Authorisation of Legal Documentation Required for Waste Services**

The original completed request form (Department of Lands standard form 13PC) must be submitted to Council for authorisation prior to the issue of the Interim/Final Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

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

25. **Landscape Maintenance**

All landscape components are to be maintained for the life of the development or their safe useful life expectancy. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species. Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plans.

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

26. **Environmental and Priority Weed Control**

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

Reason: Preservation of environmental amenity.

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

Signed



Claire Ryan, Planner

The application is determined on 30/06/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments