

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0474
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<b>Responsible Officer:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 19 DP 270907, 24 Baz Retreat WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of a dwelling house
<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>	Clarendon Homes Pty Ltd

<b>Application Lodged:</b>	12/05/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	21/05/2020 to 04/06/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 385,311.00
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### PROPOSED DEVELOPMENT IN DETAIL

Construction of a 2 storey dwelling house and associated landscape works.

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

Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 19 DP 270907 , 24 Baz Retreat WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the north eastern side of Baz Retreat.</p> <p>The site is regular in shape with slightly arched frontage of 14.1m along Baz Retreat and a depth of 28.01m. The site has a surveyed area of 342.2m<sup>2</sup>.</p> <p>The site is located within the R3 Medium Density Residential zone from PLEP 2014 and is currently a vacant allotment as the result of a recent subdivision.</p> <p>The site has a minor cross fall of north to south (ie. rear to front) of approximately 1.7m.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by recently constructed free-standing houses and vacant allotments.</p>

Map:



## SITE HISTORY

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

### Development Application N0182/13

This application for the 40 lot subdivision of existing sites and demolition of existing structures was refused on 30 December 2013.

### Appeal of Development Application N0182/13

An appeal of development application N0182/13 was upheld with the Land and Environment Court of NSW 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, on 15 October 2014.

### Subdivision Certificates SC2018/0058 & SC2018/0060

These Subdivision Certificates were approved by Council on 12 March 2019.

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

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any 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

Section 4.15 Matters for Consideration'	Comments
	2018. The subject site has been used for residential purposes 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)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&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 allow Council to request additional information. No additional information was requested in this case.</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>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on	<p>(i) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater</p>

Section 4.15 Matters for Consideration'	Comments
the natural and built environment and social and economic impacts in the locality	<p>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 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 proposal for the erection of a new two dwelling and associated works, in terms of landscape is acceptable, subject to conditions to provide an amended landscape plan for approval, the subsequent completion of landscaping, and subject to conditions to protect existing street tree planting.</p> <p>Council’s Landscape Referral staff have assessed the proposal against the following Pittwater 21 DCP Controls:            B4.22 Preservation of Trees and Bushland Vegetation            C1.1 Landscaping            D16 Warriewood Valley Locality, and in particular D16.5 Landscaped</p>



Internal Referral Body	Comments
	<p>Area for Newly Created Individual Allotments and D16.12 Fences</p> <p>A Landscape Plan is provided with the development application. The Landscape Plan does not satisfy the landscape controls of clause D16.5 Landscaped Area for Newly Created Individual Allotments requirements in terms of tree planting selection in accordance with the DCP clause D16.5, to reduce the built form and also to provide shrub screen planting at the rear of the property for private open space, and additionally a self-seeding species capable of spreading in to the natural environment of the area shall be replaced with a suitable non-invasive species.</p> <p>Conditions of consent shall be imposed for approval of an Amended Landscape Plan prior to the issue of a Construction Certificate.</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 frontage (trees opposite this lot) must be protected during all stages of works.</p>
NECC (Bushland and Biodiversity)	<p>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.</p>
NECC (Development Engineering)	<p>No objections to the new residence subject to conditions</p>

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

#### SEPP 55 - Remediation of Land

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

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 1087803S, 17 March 2020).

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

Commitment	Required Target	Proposed
Water	40	43
Thermal Comfort	Pass	Pass
Energy	50	52

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

### SEPP (Infrastructure) 2007

#### Ausgrid

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

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

#### Comment:

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

### Pittwater Local Environmental Plan 2014

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

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies

Height of Buildings:	10.5m	8.2m	N/A	Yes
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### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
6.1 Warriewood Valley Release Area	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m	4.3m	N/A	Yes
	Articulation zone 4m	Front entry steps 6.6m - 7.1m	N/A	Yes
	Garage 3m	Garage 4.4 - 5.2m	N/A	Yes
Rear building line	Dwelling	Dwelling		
	4.0m (Ground floor)	6.0m Ground floor	N/A	Yes
Side building line	6.0m (First Floor)	8.7m First floor	N/A	Yes
	0.9m Ground floor	0.9m Ground floor	N/A	Yes
	1.5m First floor North west	1.8m First floor	N/A	Yes
	0.9m Ground floor	0.3m Ground floor	66.6%	No
Landscaped area	1.5m First floor South east	1.5m First floor	N/A	Yes
	45% (153.9sqm) Minimum dimension 4m	27.3% (93.6sqm) Minimum dimension 4m 43.3% (148.4sqm) Inclusive of all landscaped areas	39.2% 3.6%	No No

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



## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
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	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
C1.23 Eaves	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
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	No	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

## Detailed Assessment

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

#### Description of non-compliance

Clause D16.5 of the Pittwater 21 Development Control Plan (P21DCP) requires at least 45% (153.99sqm) of the site area to be landscaped. In calculating this percentage, all landscaped areas with dimensions less than 4m x 4m are excluded from the calculation. The proposed landscaped area

represents 27.35% (93.6sqm) of the site area, which fails to satisfy this requirement. The proposal represents a 39.2% variation to the landscaping control.

### Merit Assessment

With regard to the consideration for a variation, the proposed development is considered against the underlying outcomes of the control as follows:

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

#### Comment:

The site is part of a recent subdivision and is currently devoid of any trees and contains no significant vegetation. The proposed landscaped plan does not satisfy the landscape controls of Clause D16.5 Landscaped Area for Newly Created Individual Allotments. A condition is imposed to provide an amended landscape plan which will provide adequate tree planting and shrub screen planting to minimise the built form of the dwelling and to provide adequate privacy between dwellings for the occupants.

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

#### Comment:

The site does provide a generous front setback and provides adequate are for deep soil planting within the front setback area. The planting required with the amended landscape plan will contribute to an attractive streetscape.

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

#### Comment:

The required amended landscape plan will ensure the site provides a high quality landscape setting, which will enhance the ecological amenity of the locality.

*The area of site disturbance is minimised.*

#### Comment:

The excavation works required to facilitate the development are minimal and will ensure the site will not be disturbed.

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

#### Comment:

The minimum dimensions of 4m x 4m is difficult to achieve due to the constraints of the small allotment. Landscape areas as defined under the PLEP 2014 means a part of the 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 will represent 43.3% (148.4sqm) of the site area. The proposed landscaped area is suitable for a constrained allotment and will assist with stormwater

infiltration, thereby reducing stormwater runoff.

*Landscaped areas should be predominately areas of deep soil.*

Comment:

The landscaped areas throughout the site consist of deep soil areas, which are suitable for canopy tree planting.

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

Comment:

As proposed development provides generous area for deep soil planting and landscaping within the front setback. The required amended landscape plan will also ensure protected street trees along Baz Retreat are retained and with one small tree to be planted in the frontyard. These various landscape treatments within the front setback area will soften the visual impacts of the built form and in turn, contribute to an attractive streetscape.

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

Comment:

The required amended landscape plan will ensure shrub screen planting is provided at the rear of the property for private open space. The dwelling has been designed to ensure any windows at first floor along the south east elevation are obscure glaze and will have a minimal impact on the privacy and amenity of the neighbouring property at 22 Baz Retreat. Along the north western elevation at first floor level one (1) window is proposed servicing a bedroom. It is considered given the use of this room and the highlight windows along the south eastern elevation of 26 Baz Retreat, that the privacy of both dwellings will be protected.

Having regard to the above assessment, it is concluded that the applicable outcomes of the control have been achieved. Therefore, the application is supported on merit.

## **D16.7 Side and rear building lines**

### Description of non-compliance

The Control requires structures to be setback a minimum of 0.9m at the ground floor level from a side boundary. The proposed dwelling is setback 0.3m from the south eastern side boundary for a length of 8.5m at ground floor. This represents a variation of 66.6% (600mm).

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying objectives of the Control as follows:

*To achieve the desired future character of the Locality.*

Comment:

The proposed development will be consistent and comparable in terms of bulk, scale and siting with recently approved developments in the locality, such that the desired future character of the locality will be achieved, notwithstanding the minor contravention of the numeric controls.

*The area of site disturbance is minimised and soft surface is maximised.*

Comment:

The proposed development does not require a significant degree of excavation, thereby minimising the area of site disturbance. Further, the soft surface area of the site has been maximised.

*The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.*

Comment:

The built form remains well within the maximum allowable building height, and largely complies with the built form controls prescribed within the DCP such that the resultant built form is consistent and comparable with surrounding development in the locality. The development is also considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties, as a result of the increased building setbacks, the orientation of the private open space areas, the proposed landscape treatment and considered window placement.

*To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.*

Comment:

The proposed development provides sufficient spatial separation between buildings, and is articulated such that reasonable breaks between buildings are provided whilst also maintaining consistency in regards to the prevailing building alignment within the streetscape.

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

Comment:

As the dwelling has been centrally sited within the allotment, sufficient areas around the building, particularly within the front and rear yards remain usable for access, landscaping and open space. The north western side setback area remains free of structures such that easy access is obtained around the property.

*Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

No views or vistas will be hindered as a result of the application.

*Vegetation and natural features of the site is retained and enhanced within the development site design to screen the visual impact of the built form.*

Comment:

The proposed landscape treatment will result in a significant improvement for the site given it is

currently an empty allotment. The landscaping once completed and matured, will serve to soften the built form of the development.

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

Comment:

The development is considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties as a result of the varying building setbacks, the orientation of the private open space areas toward the rear or front of the property, the proposed landscape treatment and the considered window placement. The application is also supported with certified shadow diagrams, which denote compliance with the solar access requirements prescribed within P21DCP.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of PLEP 2014 / P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **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 DA2020/0474 for Construction of a dwelling house on land at Lot 19 DP 270907, 24 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>
Site Plan - Rev H	10 February 2020	Clarendon Homes
Ground Floor Plan - Rev H	25 February 2020	Clarendon Homes
First Floor Plan - Rev H	25 February 2020	Clarendon Homes
Elevation 1, Elevation 2 - Rev H	25 February 2020	Clarendon Homes
Elevation 3, Elevation 4 - Rev H	25 February 2020	Clarendon Homes
Section A-A, Stair Elevation, Gradient Driveway Profile	25 February 2020	

<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. 1087803S	17 March 2020	Frys Energywise

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>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Landscape Plan Sheet 1 of 4	12 March 2020	Dapple Designs
Plant List / Specifications Sheet 2 of 4	12 March 2020	Dapple Designs
Construction Details Sheet 3 of 4	12 March 2020	Dapple Designs
Planning Details Sheet 4 of 4	12 March 2020	Dapple Designs



<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	30 April 2020	Clarendon Homes

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

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

## 2. Prescribed Conditions

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

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

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

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

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

Reason: Legislative requirement.

### 3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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



\$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) 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 sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Security Bond

A bond (determined from cost of works) of \$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. 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.

6. **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.

7. **Amended Landscape Plan**

An Amended Landscape Plan shall be prepared to satisfy the landscape controls of the Pittwater DCP controls C1.1 Landscaping and D16.5 Landscaped Area for Newly Created Individual Allotments.

The Amended Landscape Plan shall be submitted to the Certifying Authority for approval and certification that the following landscape elements are provided on the Amended Landscape Plan:

- i) tree planting is to be nominated on the plan with one (1) small tree to be located within the front yard and two (2) small trees to be located within the rear yard,
- ii) the small tree planting shall be selected from the following list as contained under clause D16.5: *Backhousia myrtifolia*, or *Hymenosporum flavum*, or *Tristaniopsis laurina* within the front yard, and a combination of *Banksia serrata*, or *Banksia integrifolia*, or *Syzygium paniculatum* within the rear yard,
- iii) each tree is to be located a minimum area of at least 2.0metres from adjoining common residential side boundaries,
- iv) all tree planting is to be located a minimum of 4 metres from existing and proposed dwellings,
- v) the nominated trees shall be planted at minimum 75 litre size,
- vi) shrub screen planting shall be nominated on the Amended Landscape Plan along the rear boundary consisting of planting capable of attaining a mature height of 3 metres, and shall be located no more than 1 metre apart, and shall be planted at minimum 200mm pot size,
- vii) the nominated *Rhapiolepis* shrub planting shall be deleted and replaced with a non-invasive shrub species of similar size,
- viii) 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.

Reason: to provide a suitable landscape treatment to reduce the built form and provide privacy to private open space.

8. **Compliance with Standards**

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

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

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

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

9. **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.

10. **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.

11. **Vehicle Crossings**

The Applicant is to construct one vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. Please note the vehicle crossing wing is to be a minimum of 1000mm from the existing Council stormwater inlet pit.

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.

12. **Protection of existing street trees**

All existing street trees in the vicinity of the works along Baz Retreat shall be retained during all construction stages.

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.

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

13. **Landscape works completion**

Landscaping shall be completed in accordance with the approved Amended Landscape Plan.

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 Amended Landscape Plan and inclusive of any conditions of consent, imposed for the approval of an Amended Landscape Plan as follows:

- i) tree planting is to be nominated on the plan with one (1) small tree to be located within the front yard and two (2) small trees to be located within the rear yard,
- ii) the small tree planting shall be selected from the following list as contained under clause D16.5: *Backhousia myrtifolia*, or *Hymenosporum flavum*, or *Tristaniopsis laurina* within the front yard, and a combination of *Banksia serrata*, or *Banksia integrifolia*, or *Syzygium paniculatum* within the rear yard,
- iii) each tree is to be located a minimum area of at least 2.0metres from adjoining common residential side boundaries,
- iv) all tree planting is to be located a minimum of 4 metres from existing and proposed dwellings,
- v) the nominated trees shall be planted at minimum 75 litre size,
- vi) shrub screen planting shall be nominated on the Amended Landscape Plan along the rear boundary consisting of planting capable of attaining a mature height of 3 metres, and shall be located no more than 1 metre apart, and shall be planted at minimum 200mm pot size,
- vii) the nominated *Rhapiolepis* shrub planting shall be deleted and replaced with a non-invasive shrub species of similar size,
- viii) 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.

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

14. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

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

## 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 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 Amended Landscape Plan.

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 for the life of the development.

Reason: preservation of environmental amenity.

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

**Signed**



**Penny Wood, Planner**

The application is determined on 16/06/2020, under the delegated authority of:



**Anna Williams, Manager Development Assessments**