

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1202
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 31 DP 5464, 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464, 29 Warriewood Road WARRIEWOOD NSW 2102
Proposed Development:	Construction of a dwelling house on proposed Lot 8
Zoning:	R3 Medium Density Residential R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Colonial Credits Pty Ltd
Applicant:	PCL & APR Pty Ltd T/As Icon Homes

Application lodged:	12/07/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	24/07/2018 to 09/08/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 490,980.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.6 Front building lines
 Pittwater 21 Development Control Plan - D16.12 Fences
 Pittwater 21 Development Control Plan - D16.13 Building colours and materials

SITE DESCRIPTION

Property Description:	<p>Lot 31 DP 5464 , 31 Warriewood Road WARRIEWOOD NSW 2102 Lot 30 DP 5464 , 29 Warriewood Road WARRIEWOOD NSW 2102</p>
Detailed Site Description:	<p>The subject site consists of one (1) currently unregistered allotment (Lot 8) within an approved subdivision of 29-31 Warriewood Road, Warriewood (Lot 30 Sec C DP 5464 and Lot 31 Sec C DP 5464 respectively) and is located on the western side of the proposed road.</p> <p>The site is irregular in shape with a frontage of 26.08m along the proposed road and an average depth of 15.39m. The site has a surveyed area of 399.2m².</p> <p>The site is located within the R3 Medium Density Residential zone and is currently vacant.</p> <p>The site has an overall slope of 7.74% and falls 1.34m from the street frontage to the rear of the site.</p> <p>The site does not contain any significant vegetation.</p> <p>A site inspection was conducted on 10 September 2018.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development of 29 and 31 Warriewood Road is characterised by low density residential development to the north and east, with larger allotments located to the west and south, many of which are currently in the process of being subdivided into smaller residential allotments.</p>

Map:



SITE HISTORY

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

30 December 2013

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

15 October 2014

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

3 August 2015

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

3 December 2015

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

3 April 2017

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

8 May 2017

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

24 November 2017

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

16 April 2018

Development Application DA2018/0607 for the construction of a residential flat building comprising 27 apartments, basement car parking and landscaping within currently unregistered Lots 2, 3, 4, 14, 15, 16, 17 and 18 of an approved 40 lot subdivision at 29-31 Warriewood Road, Warriewood was lodged with Council. This application is yet to be determined.

19 April 2018

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

27 April 2018

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

APPLICATION HISTORY

24 September 2018

Request for Withdrawal of Development Application letter sent outlining areas of non-compliance and insufficient information for assessment, specifically landscape plans prepared in accordance with Clause D16.5 of the Pittwater 21 DCP 2014.

26 September 2018

Revised landscape plans received.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a new two storey rendered brick and clad dwelling house with an attached double garage, as well as fencing along the northern and southern boundaries and partially within the lot, and associated driveway and landscaping works.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a</p>

Section 4.15 Matters for Consideration'	Comments
	Construction Certificate. This clause is not relevant to this application.
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	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is classified as bushfire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

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

As a Bushfire Report was not submitted, the application was also referred to the NSW Rural Fire Service who provided a response in a letter (DA18101615587 LR, dated 2 November 2018) stating that the proposal is acceptable subject to recommended conditions. As the application was referred to the NSW Rural Fire Service, these recommended conditions are taken to prevail over the requirements stated in the submitted Bushfire Certificate. As such, these conditions will be enforced as a condition of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape component is assessed within the Natural Environment - Biodiversity referral. No further assessment is provided by Council's Landscape section except for expanded conditions for the protection of existing street trees..
NECC (Bushland and Biodiversity)	Council's Bushland & Biodiversity division has assessed the proposal against Pittwater LEP 2014 Control 7.6 Biodiversity Protection & Pittwater 21 DCP 2014 Control B1.4 Aboriginal Heritage Significance, B4.15 Saltmarsh EEC and believes the proposed development complies subject to conditions, as recommended.
NECC (Development Engineering)	A dwelling is to be constructed on proposed Lot 8 within a community lot which is yet to be created and registered with NSW Land Registry Services. No Development Engineering objection is raised to the proposed development subject to the registration of the lot 8 with NSW Land Registry Services.
NECC (Water Management)	Application recommended for approval with conditions regarding screening of leaf litter prior to the rainwater tank and installation of erosion controls.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	The application was referred to the NSW Rural Fire Service who provided a response in a letter (Ref: DA18101615587 LR, dated 2 November 2018) stating that the proposal is acceptable subject to recommended conditions. These conditions will be enforced as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and

Council Policies have been considered in the merit assessment of this application.

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

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

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

SEPP 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. 933605S, dated 9 July 2018).

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

Commitment	Required Target	Proposed
Water	40	41
Thermal Comfort	Pass	Pass
Energy	50	51

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	7.44m	N/A	Yes

Compliance Assessment

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

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m <i>Articulation Zone</i>	1.72m	N/A	Yes
	4m <i>Garage/Carport</i>	3.69m	7.75% (0.31m)	No
	3m <i>Dwelling</i>	2.95m	1.66% (0.05m)	No
Rear building line	4m	4m	N/A	Yes
Side building line	0.9m	1.04m	N/A	Yes
	2.5m	3.6m	N/A	Yes

Landscaped area	45% (179.64m ²)	9% (35.93m ²)	80% (143.71m ²)	No
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***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.12 Fences	No	N/A
D16.13 Building colours and materials	No	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The internal dimensions of the proposed double garage (5.6m x 5.51m) do not meet the minimum dimensions stated under this control (5.7m x 6m), however, the internal size complies with the requirements of *AS/NZS 2890.-12004: Parking Facilities Part 1: Off Street Car Parking* (5.4m x 5.4m), which can be considered as a variation to Council's requirements in accordance with the outcomes of the control, as below.

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

Comment

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

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

Comment

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

- *Safe and convenient parking.*

Comment

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

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

D16.5 Landscaped Area for Newly Created Individual Allotments

Required Landscaped Area: 45% or 179.64m²

Proposed Landscaped Area: 9% or 35.93m²

Proposed Landscaped Area (including all areas where plants, grasses and trees can grow): 45.26% or 180.68m²

The proposed landscaped area when considering the 4m minimum dimensions stated in this control is 9%, which results in a significant shortfall of the 45% requirement under this control. Despite this, strict compliance with the minimum dimensions is considered unreasonable for this site as it is constrained in overall dimensions, therefore limiting the potential to site the building in a location which is able to meet the requirements of this control. The proposed landscaped area when incorporating all areas on the site where plants, grasses and trees can grow is 45.26%, which meets the overall quantitative requirement of this control. The non-compliance can be considered on merit in accordance with the outcomes of this control, as below.

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

Comment

The site does not contain any significant natural features. The proposed development contributes to the effective management of biodiversity by incorporating native vegetation into the landscaping.

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

Comment

The proposed landscaping is of a high quality and is consistent with the landscape character of Warriewood Valley, therefore contributing to the sense of place.

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

Comment

The proposed landscaping consists of generally native vegetation, promoting ecologically sustainable outcomes, and therefore maintaining and enhancing biological diversity and ecological processes.

- *The area of site disturbance is minimised.*

Comment

The area of site disturbance is minimised generally to the footprint of the dwelling house and associated areas.

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

Comment

The total area provided as impervious hard surface area is slightly less than what is allowable under this control, therefore, the amount of stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

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

Comment

The landscaped areas are predominantly deep soil zones enabling the planting of trees and vegetation.

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

Comment

The proposed development retains the existing street trees and will enhance the vegetation on the site through additional planting, including trees and shrubs, along the northern and southern side boundaries and also within the subject site along the part of the eastern elevation of the dwelling house, therefore blending the new development into the streetscape and neighbourhood.

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

Comment

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

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

D16.6 Front building lines

The application proposes a 2.95m setback from the front boundary to the dwelling house, and a 3.69m setback from the front boundary to the garage, both of which are non-compliant with the respective requirements stated under this control. Despite this, the control allows for variations to the front building line to be considered on merit on lots with a depth of less than 22m, which is applicable for the subject lot. Further consideration of the non-compliant front building lines will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development is consistent with the desired future character of the Warriewood Valley Locality.

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

Comment

The total area of site disturbance is minimised and the amount of soft surface is maximised based on the site constraints including lot area, configuration and depth.

- *The bulk and scale of the built form is minimised.*

Comment

The proposed development has been designed to include articulation and modulation, and is appropriately sited on the lot, therefore minimising the bulk and scale of the built form.

- *To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.*

Comment

The proposed development achieves a consistent built form alignment in the streetscape and steps back with the curved frontage, allowing for an attractive and spacious streetscape. The proposed development will include tree planting within the front setback area to enhance the streetscape.

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

Comment

The proposed development will ensure the equitable preservation of views and vistas to and/or from public and private places.

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

Comment

The subject site does not currently contain any vegetation or natural features, however, the site will be enhanced through the addition of vegetation along the northern and southern boundaries, and also along part of the eastern elevation of the dwelling house, which will screen the visual impact of the built form.

- *Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.*

Comment

The subject site is not a narrow lot and includes a double garage on the frontage to the proposed road, which is minimised in terms of visual prominence in the streetscape.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the*

development site and maintained to neighbouring properties.

Comment

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

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliant front building lines are supported on merit.

D16.12 Fences

Due to insufficient information for assessment (ie. elevations of the proposed fencing), the applicant has agreed to remove the 1800mm fencing along the northern and southern boundaries, and partially within the lot boundaries, from this development application.

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

D16.13 Building colours and materials

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

As such, a condition will be placed to ensure that the building colours and materials are amended to comply with Council's requirement for dark and earthy tones under this control.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

S94 Contributions are not applicable to this application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;

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

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

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

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

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

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2018/1202 for Construction of a dwelling house on proposed Lot 8 on land at Lot 31 DP 5464, 31 Warriewood Road, WARRIEWOOD, Lot 30 DP 5464, 29 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

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

DEFERRED COMMENCEMENT CONDITIONS

1. Registration of Title of Lot 8

Proposed Lot 8 is to be registered with Land Titles (NSW Lands and Property Information Office). Evidence that the lot has been registered with Land Titles is to be provided to Council.

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

Fees and Charges.

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

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
17039-8, Sht 3/13 Ground Floor Plan, Issue I	09.07.2018	Accurate Design and Drafting
17039-8, Sht 4/13 Upper Floor Plan, Issue I	09.07.2018	Accurate Design and Drafting
17039-8, Sht 5/13 Front & Rear Elevations, Issue I	09.07.2018	Accurate Design and Drafting
17039-8, Sht 6/13 Side Elevations, Issue I	09.07.2018	Accurate Design and Drafting
17039-8, Sht 7/13 Section A-A, Issue I	09.07.2018	Accurate Design and Drafting
17039-8, Sht 8/13 Site Plan, Issue I	09.07.2018	Accurate Design and Drafting

Engineering Plans		
Drawing No.	Dated	Prepared By
050618-01 Stormwater Drainage Layout Plan, Issue A	05.06.2018	VNK Consulting Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert No. 933605S)	09.07.2018	Abeaut Design Pty Ltd t/a Accurate Design and Drafting

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By

Sht-101 Landscape Masterplan, Rev B	12.09.2018	Jamie King Landscape Architect
Sht-102 Landscape Details, Rev B	12.09.2018	Jamie King Landscape Architect
Sht-103 Landscape Areas Plan, Rev B	12.09.2018	Jamie King Landscape Architect

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

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

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

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

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

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Service	Response - Development Application DA2018/1202 30/C/5464 & 31/C/5464 - 29 & 31 WARRIEWOOD ROAD WARRIEWOOD - NSW Rural Fire Service	02.11.2018

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

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

4. **Prescribed Conditions**

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

- (iii) stating that unauthorised entry to the work site is prohibited.
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a

safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

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

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

6. Security Bond

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

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is

located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

7. **Vehicle Driveway Gradients and Parking**

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

Reason: To ensure suitable vehicular access to private property

8. **Compliance with Standards**

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

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

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

9. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

10. **External Colours and Materials**

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

Reason: To ensure the external colours and materials comply with Council's requirement for dark and earthy tones.

11. **Amendments to the Approved Plans**

The proposed 1800mm fencing along the northern and southern boundaries, as well as the portions within the lot boundaries, are to be removed from the approved plans and do not form part of this consent.

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Street tree protection

A) All existing street trees shall be retained.

B) Tree protection shall be generally undertaken as follows:

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

ii) any tree roots exposed during excavation with a diameter greater than 25mm within the TPZ must be assessed by an Arborist.

iii) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

iv) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorized by the Project Arborist on site,

v) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,

vi) should either or both iv) and v) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures provided,

vii) Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority should either of the above events occur.

C) Tree protection shall be specifically undertaken as follows:

i) each existing trees shall be protected by 1.8m high construction fencing installed at least a minimum of 1m from the existing trunk.

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Maintenance of Road Reserve

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

Reason: Public Safety.

14. Installation and Maintenance of Sediment and Erosion Control

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

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

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

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

15. **Landscape completion**

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

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

-200 litre *Tristaniospsis luscious*

-40mm caliper

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

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

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

16. **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.

17. **Rainwater Tank - BASIX**

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

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

18. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

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

19. **Tree Retention**

In accordance with Pittwater 21 DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Landscape Plan by Jamie King Landscape Architects, dated 12/9/2018, drawing no. Sht-1-1-103 shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

Reason: To ensure the retention of the Urban Forest/Natural Environment.

20. **No Planting Environmental Weeds**

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

Reason: Weed management.

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

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

Reason: To protect Aboriginal Heritage.

22. **Landscape Plan to be Implemented**

Landscaping is to be implemented in accordance with the approved Landscape Plan authored by Jamie King Landscape Architect, dated 12/9/2018, project no. 1915, drawing no. Sht-101-103. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.

Reason: To ensure the site is landscaped.

23. **External Colours and Materials**

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

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

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

Signed

A Urbancic

Adam Urbancic, Planner

The application is determined on 23/11/2018, under the delegated authority of:



Rodney Piggott, Manager Development Assessments