

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0146
Assessment by:	Natalie Nolan, Nolan Planning Consultants (External Consultant)
Land to be developed (Address):	Lot 1 Deposited Plan 1206507, 57 Warriewood Road, Warriewood
Proposed Development:	Construction of a Dwelling House
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level	Northern Beaches Local Planning Panel
Land and Environment Court Action:	No
Owner:	Richard and Michelle Elder
Applicant:	Rawson Homes
Application lodged:	19/02/19
Integrated Development	No
Designated Development	No
State Reporting Category	Residential – single new detached dwelling
Notified:	10/06/19-24/06/19
Advertised:	Not Advertised
Submissions:	0
Recommendation:	Approval with conditions
Estimated Cost of Works	\$424,830

EXECUTIVE SUMMARY

An application was received on 19 February 2019 for the construction of a new dwelling. There were no submissions in objection received by Council.

This application has been assessed by an external consultant and is referred to the Northern Beaches Local Planning Panel, as the owner of the site is a member of Council Staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

The application is recommended for approval subject to conditions.

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 - C1.23 Eaves

Pittwater 21 Development Control Plan - D16.7 Side and Rear Building Lines

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

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

SITE DESCRIPTION

Property Description:	Lot 1 in Deposited Plan 1206507, 57 Warriewood Road, WARRIEWOOD NSW 2102
Detailed Site Description:	The subject site is identified 57 Warriewood Road (Lot 1 in Deposited Plan 1206507). The subject site is generally rectangular in shape with a total area of 372.6m ² . The site has a frontage of 16.835m to Warriewood Road. The site is currently vacant, undeveloped land. The site falls from the street frontage towards the rear boundary with a total fall of approximately 1.2m. Areas to the north and east of 29 and 31 Warriewood Road consist of predominantly low-density residential housing. Surrounding the

subject site there are a number of larger allotments, several of which have been recently subdivided and/or are in the process of being subdivided.

Map:



SITE HISTORY

Development Application (N0182/13) for the demolition of existing structures, subdivision of two existing lots to create 40 residential allotments and associated infrastructure was approved by the Land Environment Court on 23 October 2014. This application relates to Lot 1 in the approved subdivision.

An application to modify the above Development Application (N0182/13/S96/1) to modify the s94 contributions and staging of such contributions was approved on 03/08/2015.

A further application (N0182/13/S96/2) to modify the s94 contributions was refused by Council and dismissed by the Land & Environment Court on Appeal on 31/07/2015.

Mod2017/0344 for modification to the staging was lodged with Council on 21/12/2017 and approved by Council on 27/04/2018.

Mod2018/0617 was lodged on 14/11/2018 and sought to reduce the area of the creekline corridor land that was to be dedicated to Council. This application was approved on 12 March 2019.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks approval for the construction of a new two storey dwelling and attached garage.

The new dwelling is to be constructed of a mixture of face brickwork and cladding with a metal roof. The dwelling is to be provided with a setback to the street frontage which ranges from 6.582m. Setbacks of at least 0.95m and 2.362m are provided to the sites eastern and western boundaries, respectively.

The dwelling will comprise of formal entry, kitchen, dining room, family/meals room, powder room, laundry and WC on the ground floor level. The upper level provides for 3 bedrooms, ensuite, study and a bathroom.

Associated landscaping, retaining walls and stormwater drainage works are proposed as part of this application.

In consideration of the application a review of (but not limited to) documents as provided by the applicant in support of the application was taken into account

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	The Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, enables Council to request additional information. Additional information was not requested.

Section 4.15 Matters for Consideration	Comments
	<p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. The proposal does not require any demolition works and therefore this is not applicable.</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>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 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>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition process Council did not receive any submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Biodiversity	<p>The proposal has been assessed against Pittwater LEP 7.6 and DCP B4.4. A Landscape Plan was provided (L/01 prepared by A Total Concept dated 20/12/2018). The control requires 60% of plantings to be from the "Lowlands" vegetation type in the Native Gardening booklet available on Councils website. DCP C1.1 required canopy tree planting. The Landscape Plan is supported as it includes a number of native species that are consistent with the Lowlands vegetation type.</p> <p>Recommended for approval</p>
Coastal	<p>The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>Recommended for approval</p>
Flood	<p>The proposed development generally complies with Councils DCP & LEP.</p> <p>Recommended for approval</p>
Water Management Referral Response	<p>This application is recommended for approval with conditions. The rainwater tank is required to have 25% of volume for OSD storage.</p> <p>"lot based rainwater tanks (3KL for all 40 lots) of which 25% will be utilized as OSD storage" (Page 4, Water Management Report, 29-31 Warriewood Road Iss 2 May 2016)</p> <p>The rainwater tank configuration detail shown on the Site Stormwater Management Layout plan must be updated to comply with this requirement.</p> <p>Sediment and erosion controls must be installed prior to any work on site and maintained until groundcover is re-established. Particular care should be taken to ensure sediment from the site does not enter the street drains or the stormwater pit on the site, as this will impact the bio-retention basin for 29-31 Warriewood Road.</p>
Landscape Referral Response	<p>The landscape component of the proposal is acceptable subject to completion of landscaping and the protection of existing street trees. Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping</p>

Internal Referral Body	Comments
	D16.5 Landscaped Area for Newly Created Individual Allotments D16.12 Fences Recommended for Approval
Engineering Referral Response	No objections to the proposed dwelling subject to conditions. Recommended for approval, subject to conditions.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. Ausgrid consents to the development subject to conditions which have been included in the recommendation.

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

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 904684S_02) dated 2 November 2019. 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 ENVIRONMENT PLAN 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings	10.5m	6.65m	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	Compliance
Front Building Line	6.5m to dwelling and garage	6.5m to wall of dwelling and garage.	N/A	Yes

	5.0m to articulation zone	5.4m to articulation zone		
Rear Building Line	4m to ground level 6m to upper level	5.364m	N/A	Yes
Side Building Line	2.5m	2.362m	7.2%	No
	0.9m	0.95m	N/A	Yes
Landscaped Area	45%	40.5% or 151m ²	9.9%	No
Private Open Space	24m ²	>24m ²	N/A	Yes

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
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land & Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard – Flood Emergency Response Planning	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	No	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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 Line	Yes	Yes
D16.7 Side and Rear Building Lines	No	Yes
D16.9 Solar Access	Yes	Yes
D16.10 Private and Communal Open Space	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building Colours and Materials	No	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

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

C1.23 Eaves

The proposal provides for a parapet style roof form and therefore eaves have not been provided. However the proposal achieves the requirements for BASIX.

D16.13 Building colours and materials

The proposed external colours 'Crisp White' and 'Wise Owl' are not authorised. A recommended condition will be placed in order to ensure that the development complies with the requirement for dark and earthy tones under this control.

D16.5 Landscaped Area for Newly Created Individual Allotments

Required Landscape Area: 45% or 167.67m²

Proposed Landscape Area: 40.5% or 151m²

Proposed Landscape Area (including all areas where plants, grasses and trees can grow): 55.6% or 207.29m².

The proposed development is technically non-compliant with the control that requires 45% of the total site area to be dedicated for landscaping. The proposal seeks to vary this control with a non-compliance of approximately 16m². The minimum dimensions of 4m for landscaped area under this clause is difficult to achieve due to constraints of the site, notably due to the minimum allotment size. Landscape area as defined under the Pittwater LEP 2014 means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. When landscaping is calculated on this basis, the total landscaped area is 55.6%. The landscape setting will also be enhanced with native plantings and canopy trees located in the front and rear yard. This will assist in blending the new development into the streetscape and surrounding character of the locality, while also providing for reasonable levels of privacy to be maintained between the development site and neighbouring properties. While there remains a non-compliance, the proposal in this instance is considered to satisfy the outcomes of this clause and is supported on its merits.

The proposal is considered against the Outcomes of the Control as follows:

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

Comment: The subject site is relatively level and does not comprise any significant vegetation. The proposed development incorporates a landscape plan which incorporates detailed landscaping of the site including 3 canopy trees which can achieve 8m in height. The proposal will improve the landscaped character of the locality.

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

Comment: The proposed development incorporates a landscape plan which incorporates detailed landscaping of the site including 3 canopy trees which can achieve 8m in height. Two of these trees are located within the front setback with shrubs located around the perimeter of the site. The proposal will improve the landscaped character of the locality.

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

Comment: The subject site is currently vacant and does not support any significant vegetation. The proposal will provide for the landscaping of the site including 3 canopy trees. As a result of the proposed development will enhance the biological diversity of the locality.

- *The area of site disturbance is minimised.*

Comment: The landscaped area (including areas less than 4m in dimension) equates to 55.63% of the site thereby ensuring site disturbance is minimised. The proposal provides for detailed landscaping of the site.

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

Comment: All collected stormwater will be discharged into the existing easement in accordance with Council controls. The proposed landscaping will prevent soil erosion.

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

Comment: The proposed landscaped areas are considered to be deep soil, with two large areas provided, one within the rear yard and the other within the front setback. These areas are appropriately landscaped including 3 canopy trees.

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

Comment: The subject site is currently vacant and does not comprise any significant vegetation. The proposal incorporates landscaping which will enhance the landscaped character of the locality. The landscaping includes 2 canopy trees within the front setback and an additional tree in the rear yard. This will provide for an appropriate presentation to the streetscape.

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

Comment: The proposal provides for an appropriate level of privacy to the adjoining properties. This has been achieved by locating all high use areas on the ground level with only bedrooms, bathrooms and a study upstairs. The first floor level is provided with increased setbacks to the side boundaries and provides for limited well placed windows on the side elevations. The proposal does not rely on landscaping to provide privacy.

In summary it is considered that the minor non-compliance with the controls of this clause do not result in any adverse impacts and the proposal achieves the outcomes of the clause.

D16.7 Side and Rear Building Lines

Side Building Line

Required: 2.5m to one side and 0.9m to the other.

Proposed Dwelling: 2.362m to one side and 0.95m to the other

The DCP requires a setback of 0.9m to one side boundary and 2.5m to the other side boundary. The proposal provides for a setback of 0.95m to the eastern boundary and 2.362m to the western boundary. Therefore, there is a minor non-compliance of 0.138m to the western boundary. The proposal is considered against the Outcomes of the Control as follows:

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

Comment: It is considered that the desired future character of the Warriewood Valley locality will be achieved. The non-compliance is very minor, being only 138mm for a very small portion of the dwelling with the non-compliance reducing towards the front of the dwelling. The proposal will retain the low-density character and does not result in the removal of any significant vegetation. The proposal complies with the building height controls and colours will harmonise with the natural environment.

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

Comment: The proposed dwelling provides for sufficient area of landscaping to ensure appropriate soft surface.

- *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 proposed dwelling provides for an appropriate bulk and scale. The proposal presents as a two storey dwelling with a bulk that is compatible with the existing surrounding development. The development is well articulated particularly when viewed from the street. The minor non-compliance with the setback control does not result in a dwelling of unreasonable bulk or scale.

- *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 non-compliance is very minor being only 138mm. A landscape plan has been provided detailing appropriate landscaping on site. The proposal provides an appropriate separation to the potential adjoining built form.

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

Comment: There is sufficient area around the dwelling for access to the rear yard, some landscaping and sufficient open space to meet the numerical requirements of Council.

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

Comment: The proposed two storey dwelling does not obstruct any significant views from public or private places.

- *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 site is currently vacant and does not require the removal of any vegetation. There is sufficient area on site for the provision of landscaping including larger trees.

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

Comment: The proposal provides for all high use living areas on the ground floor with only bedrooms and bathrooms on the upper level. The upper level is provided with increased setback to the side boundary (5.366m) which ensures appropriate visual separation. Any views from the proposed windows on the western ground floor elevation which serve the dining and kitchen will be obstructed by standard boundary fencing. The proposal will maintain a reasonable level of privacy to the adjoining properties.

In summary it is considered that the minor non-compliance with the controls of this clause do not result in any adverse impacts and the proposal achieves the outcomes of the clause.

D16.12 Fencing

The proposed landscape plan depicts 1.8m high lapped and capped boundary fencing along the side and rear boundaries of the site. Consent from adjoining property owners have not been obtained for the construction of boundary fencing. A condition of consent is included in the recommendation requiring the plans to be amended to remove the proposed fencing.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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 Council Contributions Plan for Residential Development

Not applicable to the proposed development

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 21 Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0146 for the construction of a dwelling house on land at Lot 1 in DP 1206507, No. 57 Warriewood Avenue, Warriewood, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans – Endorsed with Council’s stamp		
Drawing No.	Dated	Prepared By
DRWG No. 02, Issue D (Site Plan)	20.06.17	Rawson Homes
DRWG No. 03, Issue D (Ground Floor Plan)	20.06.17	Rawson Homes
DRWG No. 04, Issue D (First Floor Plan)	20.06.17	Rawson Homes
DRWG No. 05, Issue D (Elevations 1 & 2)	20.06.17	Rawson Homes
DRWG No. 06, Issue D (Elevations 3 & 4)	20.06.17	Rawson Homes
DRWG No. 07, Issue D (Section)	20.06.17	Rawson Homes

Engineering Plans		
Drawing No.	Dated	Prepared By
SW18290-S1, Issue A – Site Stormwater Management Layout	19.09.18	ALW Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 904684S_02	2 November 2018	Energy Ratings Australia
NatHERS Certificate, 0002482768-01	2 November 2018	Energy Ratings Australia

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
DWG #L/01 Landscape Plan	20.12.18	A Total Concept
DWG #L/02 Landscape Details	20.12.18	A Total Concept
DWG #L/03 Landscape Specification	20.12.18	A Total Concept

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Waste Management Plan	28 November 2017	Rawson Homes P/L

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

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

2. 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
Ausgrid	Response Ausgrid Referral	20 March 2019

(NOTE: For a copy of the above referenced documents, 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.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and

- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.
Reason: Legislative Requirement (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) 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

5. 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

6. Fencing

The Landscape Plan shall be amended to delete any reference to boundary fencing. Boundary fencing is not approved as part of this application.

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

Reason: To ensure compliance with the Dividing Fences Act.

7. Rainwater tank OSD

The rainwater tank configuration detail shown on the Site Stormwater Management Layout plan must be updated to comply with the Water Management Report (Construction Certificate Stage) for 29-31 Warriewood Road Issue No. 2 May 2016, which states that: "source control includes...lot based rainwater tanks (3KL for all 40 lots) of which 25% will be utilized as OSD storage" (Page 4).

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

Reason: To reduce flooding impacts

8. Stormwater Disposal

Engineering Plans in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2:1998 - Stormwater Drainage – Acceptable solutions are to be submitted and certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate

adjacent catchments. Stormwater shall be conveyed from the site to the interallotment drainage easement.

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

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

9. 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.

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 (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 requirements

11. 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.

12. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

13. Vehicle Driveway Gradients

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 Council's Minor Works Policy. 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

14. Vehicle Crossings Application

A Driveway Levels and Formwork Inspections Application shall be made with Council subject to the payment of the fee in accordance with Council's Fees and Charges. The fee includes all Council inspections relating to the driveway construction and must be paid.

Approval of the application by Council is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

15. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

16. Street tree protection

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

B) Tree protection shall be generally undertaken as follows:

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

ii) each street tree along Warriewood Rd shall be protected by the installation of tree guards consisting of 4 h/w posts and top and mid rails, with shade cloth wrapping attached,

- iii) existing tree guards in place shall be maintained in good condition for the duration of the works,
- iv) to minimise the impact on street trees to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of any street tree required to be retained.

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

17. 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 Rawson Homes 20 June 2017, with particular attention paid to protecting the existing stormwater pit on the property.

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.

18. Building materials, sedimentation

No building materials or other materials are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or foreshore vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

19. 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.

20. Vehicle Crossings

The provision of one vehicle crossing 3 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and specifications. 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. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

21. 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.

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

22. Landscape works

Landscaping shall be completed in accordance with the Landscape Plan(s) L/01 and L/02 as prepared by ATC Landscape Architects, inclusive of the following requirements:

- i) the nominated tree planting shall be planted at minimum 75 litre size. Each tree planted is to have a minimum area of 3 metres x 3 metres contained wholly within the site. Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures,
- ii) plant specie selection is to be installed as per the nominated planting schedule,
- iii) fencing is not permitted forward of the front building line. Boundaries between public and private land shall be delineated by vegetation such as low hedges, garden beds or the like,

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.

23. Weed Removal and Management

No weeds are to be imported on to the site. All invasive and priority weeds on the site are to be removed and managed continuously, in accordance with the Biosecurity Act 2015.

Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to occupation certificate.

Reason: Weed management and biosecurity

24. 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.

25. Post-Construction Road Reserve Dilapidation Report

The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must have been carried out in accordance with the provisions of the Building Code of Australia Note: Where by Council is not the Principal Certifying Authority, Refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority, Post Construction Dilapidation Report and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

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

26. Landscape maintenance

All landscape components are to be maintained for the life of the development. A maintenance program is to be established. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar

materials/components and species to maintain the landscape theme of the landscape plan, and associated conditions.

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

27. 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.

28. 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.

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

Signed

Natalie Nolan, External Consultant