

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0770
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 30 DP 271139, 20 Bubalo Street WARRIEWOOD NSW 2102
Proposed Development:	Construction of a dwelling house
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Craig Walker Paula Walker
Applicant:	New South Homes

Application Lodged:	19/07/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Single new detached dwelling
Notified:	02/12/2019 to 16/12/2019
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 400,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a new two (2) storey rendered brick and clad dwelling house with a tiled roof, and an attached single garage, as well as associated driveway and landscaping works, retaining walls up to 0.6m in height, and 1.8m high fencing along the northern, southern and western boundaries.

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.

ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 1.9A Suspension of covenants, agreements and instruments
 Pittwater 21 Development Control Plan - B3.2 Bushfire Hazard
 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 - D16.7 Side and rear building lines
 Pittwater 21 Development Control Plan - D16.9 Solar access
 Pittwater 21 Development Control Plan - D16.12 Fences
 Pittwater 21 Development Control Plan - D16.13 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 30 DP 271139 , 20 Bubalo Street WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the north-western side of Bubalo Street.</p> <p>The site is regular in shape with a frontage of 9.055m along Bubalo Street and an average depth of 39.165m. The site has a surveyed area of 352.5m².</p> <p>The site is located within the R3 Medium Density Residential zone and is currently vacant.</p> <p>The site is generally flat with no dominant slope.</p> <p>The site does not contain any significant vegetation or landscape features.</p> <p>Detailed Description of Adjoining/Surrounding</p>

Development

Adjoining and surrounding development within the immediate vicinity of the subject site is characterised by vacant residential allotments and new dwelling houses under construction, along with existing low density residential development located to the north of the subject site across Warriewood Road. There are existing large allotments located to the west of the subject site, which currently accommodate rural dwelling houses and associated infrastructure.

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:

8 March 2017

Development Application N0491/16 for the subdivision of land and associated civil infrastructure was refused.

29 November 2017

An appeal (No. 53907 of 2017) of Development Application N0491/16 was upheld with the Land and Environment Court, with the development application approved based on amended plans and orders of the Court arising from a conciliation conference conducted pursuant to Section 34 of the Land and Environment Court Act 1979 (LEC Act 1979).

17 July 2019

Modification Application Mod2019/0343 of Development Consent N0491/16 was lodged with Council pursuant to the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979. This application is yet to be determined.

6 December 2019

Subdivision Certificate SC2019/0032 for the approved subdivision under Development Consent N0491/16 was endorsed by Council. This subdivision plan has since been registered with Land and Property Information NSW, with the subject site now being formally identified as Lot 30 in DP 271139 (20 Bubalo Street, Warriewood).

Note: This site history relates only to the individual allotment legally referred to as Lot 30 in DP 271139 (20 Bubalo Street, Warriewood) and does not include applications relating to other properties located within the approved subdivision.

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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to revised architectural and landscape plans, and a bushfire certificate and report.</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>

Section 4.15 Matters for Consideration'	Comments
	<p>Clause 98 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>Clause 98 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>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal, in terms of landscape outcome is acceptable, subject to conditions.</p> <p>Council's Landscape section has assessed the proposal against the following Pittwater21 DCP Controls: B4.22 Preservation of Trees and Bushland Vegetation C1.1 Landscaping D16.5 Landscaped Area for Newly Created Individual Allotments</p> <p>A Landscape Plan is provided with the DA, and satisfies DA Lodgement Requirements.</p> <p>No Arboricultural Impact Assessment report is provided. The site does not contain any trees of significance. Existing street trees along the frontage must be protected during all stages of works.</p>
NECC (Bushland and Biodiversity)	<p>The lot was created as part of an approved subdivision within the Warriewood Valley release area. The site has been previously cleared and is not within or interface with the riparian zone or portion of the parent lot mapped as Biodiversity under the Pittwater LEP 2014. The development will not have a significant effect on biodiversity and therefore no further assessment is required.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><u>Coastal Management Act 2016</u> The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><u>State Environmental Planning Policy (Coastal Management) 2018</u> As the subject site has been identified as being within the coastal zone, SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Coastal Wetlands & Proximity Area' but not on 'Coastal Environment Area', 'Coastal Use Area' and 'Coastal Vulnerability Area' Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM</p>

Internal Referral Body	Comments
	<p>SEPP). Hence, Clauses 11 and 15 of the CM SEPP apply for this DA.</p> <p><u>Comment:</u> Requirements to Clause 11 are being assessed by another section of the Council.</p> <p>However, on internal assessment, the DA satisfies requirements under clause 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><u>Pittwater LEP 2014 and Pittwater 21 DCP</u></p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p><u>Original Comments (9 August 2019):</u></p> <p>No objections are raised to the proposed development, subject to conditions.</p> <p><u>Revised Comments (11 December 2019):</u></p> <p>The location of vehicular crossing has been changed in accordance with Development Application N0491/16. In addition, the stormwater concept plan is satisfactory for the development.</p> <p>No objections are raised to the proposed development, subject to conditions.</p> <p><u>Planner Comment:</u></p> <p>It has been confirmed with Council's Development Engineer that the intention of the recommended condition 'Rainwater Tank Installation & Use' is for the details of a compliant rainwater tank to be submitted to the Certifying Authority prior to the issue of the Construction Certificate, and not for the rainwater tank to be installed prior to the issue of a Construction Certificate. The recommended condition has been amended accordingly to clarify this requirement.</p>
NECC (Water Management)	<p>Referral has not changed following revised documentation December 2019.</p> <p>This application has been assessed for compliance with the Water Management Report Rev 7 for 41 Warriewood Road and the Warriewood Valley Water Management Specification. The lot is limited to 65% impervious area.</p>

Internal Referral Body	Comments
	<p>Water management has largely been dealt with under the subdivision application.</p> <p>The sediment controls are adequate, and they have the appropriately sized rainwater tank for the subdivision.</p> <p>Sediment and erosion controls must be installed prior to any work on site and maintained until work is complete and groundcover re-established. Due to there being an online bio-retention water treatment basin, particular care should be taken to ensure sediment does not wash into the gutter, as the residents will be responsible for cleaning sediment out of the basin in future.</p>
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.

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. 1060693S_02, dated 19 November 2019). The BASIX Certificate is supported by an ABSA Assessor Certificate (see Certificate No. 0004376752, dated 19 November 2019).

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

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

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

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The land is identified as being located in proximity to coastal wetlands located to the south of the subject site. The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetlands, or the quantity and quality of surface and

groundwater flows to and from the adjacent coastal wetlands.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The land has not been identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

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	6.84m	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

Detailed Assessment

1.9A Suspension of covenants, agreements and instruments

Clause 1.9A of Pittwater Local Environmental Plan 2014 states that for the purpose of enabling

development on land in any zone, covenants that restrict the carrying out of that development do not apply to the extent necessary to serve that purpose. However, this does not apply in the case of a covenant imposed by Council (as in this case). As such, the covenant applies for the purpose of assessment, but may be modified at Council's discretion. An assessment of the relevant easements/covenants is as follows:

The subject lot is burdened and benefited by a number of easements and restrictive covenants, specifically those numbered 5, 8, 9 and 10 in the Section 88B Instrument for DP271139, which were required as part of the approved subdivision of the land under development consent N0491/16.

The easement referred to and numbered 5 states that the proprietor of the lot burdened 'shall not place any obstructions within the site of the easement nor erect any building or other structure of any kind on or over the site of the easement except for any wall and/or slab, eave and/or gutter and/or roof structure attached to any dwelling or garage' in the area marked "H" in the Deposited Plan and the proposed development includes a retaining wall within this area. As a retaining wall is not permitted within this area, a condition of consent will be placed requiring the retaining wall to be removed from the approved plans prior to the issue of a Construction Certificate.

The restriction on the use of land referred to and numbered 8 states that the registered proprietor 'shall not occupy or permit the occupation of any dwelling house or other structure on the lot burdened unless the registered proprietor has first constructed and/or installed a 4kL rainwater tank' as required by the conditions of consent from the original subdivision. A condition of consent has been included to ensure that a rainwater tank is installed in line with this requirement.

The restriction on the use of land referred to and numbered 9 states that 'no part of the dwelling, garage or other habitable building may be constructed or allowed to remain on the lot burdened unless it is wholly contained within the approved footprint delineated 'BE', it is limited to the specified heights in the areas delineated 'BE1' and 'BE2', and if the garage is located within the area delineated 'BE3' on the Deposited Plan'. The proposed development is inconsistent with the approved footprint in terms of the front building line, which is required to be 6.54m, the location and size of the garage, and the height and setback to the upper level from the northern side boundary, which is required to be set back 1.5m and single storey within this setback area. The proposed development complies with the required front boundary setbacks under the relevant development controls, provides a single garage of appropriate dimensions, and the non-compliance with the northern side boundary setback has been deemed to be acceptable. Also, as the lot is a transition lot between the side setback of the allotment on the corner of Lorikeet Grove and Bubalo Street, and the allotments which front Bubalo Street, the reduced setback is acceptable in regards to the streetscape outcome for Bubalo Street. As such Council is satisfied that the proposed development achieves the intention of the restriction. A condition of consent has been included to require the Restriction on the Use of the Land and accompanying Section 88B Instrument to be updated accordingly.

The proposed development does not contravene the restriction on the use of land referred to and numbered 10, which relates to costs pertaining to the erection of boundary fencing.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m to Articulation Zone	5m	N/A	Yes
	4m to Garage/Carport	7.58m	N/A	Yes
	5.5m to Dwelling (Tandem	6.22m	N/A	Yes

	Parking)			
Rear building line	4m to Ground Floor	9.32m	N/A	Yes
	6m to Upper Floor	10.96m	N/A	Yes
Side building line	0.9m to Ground Floor (N)	1.06m	N/A	Yes
	1.5m to Upper Level (N)	1.21m	19.33% (0.29m)	No
	0.9m to Ground Floor (S)	1m	N/A	Yes
	1.5m to Upper Level (S)	1.5m	N/A	Yes
Landscaped area	35% (123.38m ²)	25.59% (90.2m ²)	26.89% (33.18m ²)	No

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

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
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	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.23 Eaves	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D16.7 Side and rear building lines	No	Yes
D16.9 Solar access	No	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	No	N/A
D16.13 Building colours and materials	No	Yes
D16.14 Pets and companion animals	Yes	Yes

Detailed Assessment

B3.2 Bushfire Hazard

When the development application was lodged with Council, the subject site formed part of an approved, but unregistered subdivision of 41 Warriewood Road, Warriewood (legally referred to as Lot 32, Section C in DP 5464), which was partially identified as Bushfire Prone Land. As such, a Bushfire Certificate and Report, prepared by Scott Jarvis of Sydney Bushfire Consultants and dated 4 December 2019, was provided with the development application. The now registered allotment subject to this development application is no longer identified as Bushfire Prone Land on Council's mapping. However, the submitted Bushfire Report makes recommendations for compliance with bushfire standards based on the information provided in development consent N0491/16 and based on the allotment being located within the approved subdivision. It is therefore considered necessary for the bushfire report to be included as part of this development consent, despite the individual allotment no longer technically being Bushfire Prone Land.

B6.3 Off-Street Vehicle Parking Requirements

The proposed development provides the required two (2) off-street parking spaces in a tandem arrangement with the main parking space being located within the single garage and the ancillary space behind the garage on the driveway, which is consistent with the arrangement approved under the original subdivision of the land.

D16.5 Landscaped Area for Newly Created Individual Allotments

Required Landscaped Area: 35% or 123.38m²

Proposed Landscaped Area: 25.59% or 90.2m²

Proposed Landscaped Area (including all areas where plants, grasses and trees can grow): 38.97% or 137.38m²

Description of non-compliance

The proposed landscaped area when considering the 4m minimum dimensions stated in this control is 25.59%, which results in a shortfall of the 35% 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, particularly in terms of lot width, therefore limiting the potential to site the building in a location to provide additional landscaped area 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 38.97%, which meets the overall quantitative requirement of this control.

Merit Consideration

Further consideration of the non-compliance will be given 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 tree and will enhance vegetation on the site through additional planting, including trees and shrubs, within the front and rear yards, 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.

D16.7 Side and rear building lines

Description of non-compliance

The proposed development provides a 1.21m setback to the upper level from the northern side boundary.

The control requires a 1.5m setback for the upper level from a side boundary for a detached dwelling on a lot with a width between 9m and 14m.

Merit Consideration

Further consideration of the non-compliance 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, in accordance with Clause A4.16 of the P21 DCP

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

Comment

The area of site disturbance is minimised generally to the footprint of the dwelling house and associated areas. As the proposed development is compliant with the required ground floor setbacks and provides a greater amount of landscaped area than that required under the relevant control when incorporating all areas where plants, grasses and trees can grow, it is considered that the soft surface area in relation to the overall site area is maximised.

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

Comment

The proposed development is well-articulated on all elevations, including the northern elevation, and is of minimal overall height, therefore ensuring that the bulk and scale of the built form is minimised, with the impact of the proposed development on adjoining properties also minimised.

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

Comment

The proposed development provides scope to create meaningful breaks between the future adjoining dwellings and facilitates regular rhythm of the future built form, aided by the approved building envelopes for the individual allotments from the subdivision of the land. The proposed development complies with the required front building line under the control, but varies the requirement of the approved building envelope. Despite this, as the allotment is a transition lot between the side setback of the allotment on the corner of Lorikeet Grove and Bubalo Street, and the allotments which front Bubalo Street, the reduced setback is acceptable in regards to its presentation to Bubalo Street.

- *To create usable curtilage areas around buildings for viable access, landscaping and open space.*
Comment
The proposed development is compliant with the required ground floor setbacks, which are generally unobstructed, therefore providing usable curtilage areas around the building for viable access, landscaping and open space.
- *Equitable preservation of views and vistas to and/or from public/private places.*
Comment
The proposed development ensures the equitable preservation of views and vistas to and/or from both public and 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 proposed development retains the existing recently planted tree located at the rear of the site, which will be further enhanced through additional planting within the front and rear yards to screen the visual impact of the built form.
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*
Comment
As the area of non-compliance is on the northern side of the building, a reasonable level of solar access is provided within the development site and a compliant setback would not change the level of solar access provided to the adjoining properties to the south of the site. The northern elevation of the building includes minimal windows to the upper level, therefore ensuring that a reasonable level of privacy and amenity is provided within the development site and 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.

D16.9 Solar access

Description of non-compliance

The proposed development provides less than 2 hours of solar access to 50% of the rear yard of the adjoining land at 59 Lorikeet Grove (Lot 5, DP 271139), which is currently vacant.

The control states that where the adjoining residential land is vacant, at least 50% of the rear yard area of the adjoining land to receive at least 2 hours of sunshine.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Development is sited and designed to maximise solar access, adequate daylight and ventilation to habitable rooms and adequate sunlight to private open spaces during midwinter.*
Comment
The proposed development complies with the the required side setback to the ground and upper floors on the southern elevation, therefore the development has been sited and designed to

maximise solar access, provide adequate daylight and ventilation to habitable rooms, as well as provide adequate sunlight to private open space.

- *A reasonable level of solar access is maintained for existing residential properties, unhindered by adjoining development. Development allows reasonable solar access to recreational and living areas of adjoining residential developments.*

Comment

The proposed development is located within a newly created subdivision, therefore, there are no existing residential properties to be impacted. The proposed development provides the opportunity for reasonable solar access to recreational and living spaces of future adjoining residential developments.

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

D16.12 Fences

Due to insufficient information for assessment (ie. elevations of the proposed fencing), the proposed 1.8m high Colorbond/timber paling fencing along the northern, southern and western boundaries, as indicated on the submitted landscape plan, will be removed from this development application through a condition of consent.

D16.13 Building colours and materials

Description of non-compliance

The submitted *Schedule of Colours and Materials* indicates the use of Taubmans 'Metal Glow' (light grey) on the external cladding and Colorbond 'Surfmist' on the fascia.

The control requires external colours and materials to be dark and earthy tones and states that white, light coloured, red or orange roofs and walls are not permitted.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Achieve the desired future character of the Locality.*

Comment

The proposed development is consistent with the desired future character of the Warriewood Valley Locality, in accordance with Clause A4.16 of the P21 DCP

- *The visual prominence of the development is minimised.*

Comment

The majority of the building will be finished in dark and earthy tones and is consistent with the colour scheme of surrounding buildings within the Warriewood Valley Locality, therefore, the visual prominence of the development is minimised.

- *To ensure building colours and materials complement and enhance the visual character of the buildings location within the natural landscapes of Pittwater.*

Comment

The proposed building colours and materials complement and enhance the visual character of

the location of the building within the natural landscapes of Pittwater by comprising mainly dark and earthy tones and by matching the colour scheme of the buildings on adjoining and surrounding properties within the Warriewood Valley Locality.

- *Colours and materials of the development harmonise with the natural environment/escarpment.*

Comment

Although the proposed colours and materials to the external cladding and fascia is lighter toned, as the majority of the building is to be finished in dark and earthy tones, it is considered that the proposed development is in harmony with the natural environment/escarpment.

- *To provide attractive building facades which establish identity and contribute to the streetscape.*

Comment

As above, the proposed development is to be finished in predominantly dark and earthy tones, with some lighter elements, which is consistent with the recently approved dwelling houses on Bubalo Street, therefore providing an attractive building facade which will establish identity and contribute to the future streetscape of Bubalo Street.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

CONCLUSION

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

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

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

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0770 for Construction of a dwelling house on land at Lot 30 DP 271139, 20 Bubalo Street, 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
Sheet 1, Site Plan, Rev F	15 November 2019	New South Homes Pty Ltd
Sheet 2, Ground Floor, Rev F	15 November 2019	New South Homes Pty Ltd
Sheet 3, First Floor, Rev F	15 November 2019	New South Homes Pty Ltd
Sheet 4, Elevations 1, Rev F	15 November 2019	New South Homes Pty Ltd
Sheet 5, Elevations 2, Rev F	15 November 2019	New South Homes Pty Ltd
Sheet 6, Sections & Details, Rev F	15 November 2019	New South Homes Pty Ltd

Engineering Plans		
Drawing No.	Dated	Prepared By
C000 General Notes, Rev B	19 November 2019	SDS Engineering
C001 Concept Stormwater Drainage Plan/Details	19 November 2019	SDS Engineering

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

BASIX Certificate (Cert No. 1060693S)	19 November 2019	SDS Engineering
Bushfire Report (Ref: 79BA - 1449)	4 December 2019	Sydney Bushfire Consultants
External Colour Selections - 20 Bubalo Rd, Warriewood	undated	New South Homes Pty Ltd

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L01/1 - K23617 Landscape Planting Plan, Rev B	19 November 2019	Michael Siu Landscape Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Sheet 8, Sediment/Analysis Plan, Rev F	15 November 2019	New South Homes Pty Ltd
Waste Management Plan	undated	New South Homes Pty Ltd

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

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

2. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the

work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

3. **General Requirements**

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether

the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall

notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

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

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

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

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

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

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

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

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

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

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

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

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

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

5. **Amendments to the Approved Plans and Landscape Plan**

The following amendments are to be made to the approved plans:

- the proposed 1.8m high Colorbond/timber paling fencing along the northern, southern and western boundaries, as indicated on the approved landscape plan, is to be deleted and does not form part of this development consent; and
- the proposed retaining wall adjacent to the northern side boundary and within the registered easement labelled "H" on the Deposited Plan is to be deleted and does not form part of this consent, with natural ground level retained instead.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

6. **Boundary Identification Survey**

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

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

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

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

7. **Rainwater Tank Installation & Use**

A 4000 litres rainwater tank for non-potable purposes is to be installed and used as part of an integrated on-site Stormwater management system in accordance with Development Consent N0491/16.

The non-potable purposes are prescribed in the NSW Code of Practice for Plumbing and Drainage and include toilet flushing, garden irrigation, car washing and cold water laundry.

Details of a compliant rainwater tank are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure the appropriate rainwater tank is installed for the development.

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.

9. **External Finishes to Roof**

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

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

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

10. **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.

11. **Restriction on the Use of Land - Building Footprint**

The Restriction on the Use of Land and accompanying Section 88B Instrument burdening Lot 30 are to be amended to restrict building on Lot 30 to the building area shown on the approved plans under DA2019/0770.

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

Reason: To ensure consistency with the approved plans.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. **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.

13. **Protection of Existing Street Trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages. All existing tree guards shall be maintained in place. Should any street tree along the frontage not contain a tree guard, tree protection fencing consisting of a four sided 1.8m high x

2.4m length standard wire mesh construction fence, in accordance with Australian Standard AS 4687-2007 - Temporary Fencing & Hoardings shall be installed around the tree for the duration of the works. Any street tree damaged or removed shall be replaced at a container size of 200 litres, and in accordance with guidelines provided by Council.

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

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 New South Homes with detail by SDS Engineering.

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 Works

Landscaping is to be completed in accordance with the Landscape Planting Plan numbered L01/1-K23617 revision B, as prepared by Michael Siu Landscape Architects, inclusive of the following requirements:

- i) The two (2) proposed canopy trees shall each have a minimum area of 3 metres x 3 metres contained wholly within the site, and are to be located a minimum of 5 metres from existing and proposed built structures;
- ii) All tree planting is to be a minimum container size of 200 litre; and
- 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 approved landscape plan and the conditions of consent.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity and ensure appropriate landscape treatment to soften the built form.

16. Stormwater Disposal

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with all relevant Australian Standards and Codes. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

17. 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.

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

18. **Environmental and Priority Weed Control**

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

Reason: Preservation of environmental amenity.

19. **Landscape Maintenance**

All landscape components are to be maintained for the life of the development. A 12-month landscape establishment program is to be undertaken for all planting. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components and species.

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

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

Signed



Adam Urbancic, Planner

The application is determined on 24/01/2020, under the delegated authority of:



Claire Ryan, Acting Development Assessment Manager