

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0418
Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 84 DP 270385, 3 Kingfisher Way WARRIEWOOD NSW 2102
Proposed Development:	Construction of a new swimming pool, timber deck and associated landscaping works
Zoning:	R3 Medium Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	John Jeffrey Pennings Lindsay Jane Gilroy
Applicant:	Contour Landscape Architecture
Application lodged:	19/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	26/03/2018 to 09/04/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 45,000.00

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 - A1.7 Considerations before consent is granted
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments
 Pittwater 21 Development Control Plan - D16.6 Front building lines

SITE DESCRIPTION

Property Description:	Lot 84 DP 270385 , 3 Kingfisher Way WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The site is known as 3 Kingfisher Way, Warriewood and legally referred to as Lot 84 in DP 270385. The site is rectangular in shape with a total area of 386m². The site has multiple street frontages, including a primary frontage to the western side of Kingfisher Way measuring 13m in width. Vehicular access is gained via the 12m wide secondary frontage which faces the eastern side of Poplar Lane, while pedestrian access is gained via the 28.75m wide secondary frontage which faces the northern side of Garden Lane. The site contains a two-storey dwelling house with an attached garage that is located centrally on the site. The slope of the site is 3.09% and falls from the north-western corner of the site to the north-eastern corner of the site. Adjoining the site are similar low-density residential properties, predominantly contemporary designed two-storey dwelling houses on small lots. A site inspection was conducted on 24 April 2018.</p>

Map:



SITE HISTORY

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

9 January 2012

Development Application N0412/11 for the construction of a new two storey dwelling and garage was granted consent.

APPLICATION HISTORY

13 July 2018

Request for Withdrawal of Development Application letter sent to applicant outlining areas of insufficient information for assessment, specifically owner's consent for lots in a community title and a geotechnical report to address the requirements of Clause B3.1 and B8.1 of the Pittwater 21 DCP 2014.

19 July 2018

Geotechnical report received.

24 July 2018

Email sent to applicant stating that owner's consent from the community scheme was no longer required as the proposed works are to be located entirely within the individual lot boundaries.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for alterations and additions to an existing dwelling house, specifically the following works:

- removal of the existing gate and pathway from the driveway to the existing timber deck (outdoor living area at rear of dwelling);
- construction of a new swimming pool with pool safety fencing;

- construction of a timber daybed adjacent to the existing timber deck near the southern boundary;
- alterations to the size of the existing brick pier in the outdoor living area; and
- landscaping works.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</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 matter has been addressed via a condition of consent.</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><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a 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.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments																						
Environmental Health (Acid Sulphate)	<table> <tr> <td>Was sufficient documentation provided appropriate for referral?</td><td>NO</td></tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td><td>YES</td></tr> <tr> <td>What class is the site in on the WLEP2011 Acid Sulfate Soils Map?</td><td>Class 4</td></tr> <tr> <td>Is there risk of acid sulfate soil disturbance?</td><td>NO</td></tr> <tr> <td>Will the excavations exceed the depth determined in the risk map?</td><td>NO</td></tr> <tr> <td>Does the report adequately address acid sulfate risk mitigation?</td><td>N/A</td></tr> <tr> <td>Have you considered disposal of water during excavation, pump out etc.</td><td>N/A</td></tr> <tr> <td>Have you considered disposal of contaminated soil.</td><td>N/A</td></tr> <tr> <td colspan="2"> General Comments The report does not discuss Acid Sulphate Soils, the works being undertaken will be in a Class 4 area on the property, however class 3 ASS is located in close proximity to these works and ASS may be affected. Environmental Health recommends the following condition to ensure likelihood of contaminated soil is minimised. </td></tr> <tr> <td>Recommendation</td><td>APPROVAL - subject to conditions</td></tr> <tr> <td colspan="2"> Comments completed by: Mary Shimon Date: 4 April 2018 </td></tr> </table>	Was sufficient documentation provided appropriate for referral?	NO	Are the reports undertaken by a suitably qualified consultant?	YES	What class is the site in on the WLEP2011 Acid Sulfate Soils Map?	Class 4	Is there risk of acid sulfate soil disturbance?	NO	Will the excavations exceed the depth determined in the risk map?	NO	Does the report adequately address acid sulfate risk mitigation?	N/A	Have you considered disposal of water during excavation, pump out etc.	N/A	Have you considered disposal of contaminated soil.	N/A	General Comments The report does not discuss Acid Sulphate Soils, the works being undertaken will be in a Class 4 area on the property, however class 3 ASS is located in close proximity to these works and ASS may be affected. Environmental Health recommends the following condition to ensure likelihood of contaminated soil is minimised.		Recommendation	APPROVAL - subject to conditions	Comments completed by: Mary Shimon Date: 4 April 2018	
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Landscape Officer	<p>The landscape component of the proposal is acceptable, subject to completion of the landscaping as conditioned, and subject to conditions to protect existing vegetation not proposed for removal.</p> <p>Council's Landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls:</p> <p>B4.22 Preservation of Trees and Bushland Vegetation</p>																						

Internal Referral Body	Comments
	<p>C6.2 Natural Environment and Landscaping Principles</p> <p><u>Planner Comment:</u></p> <p>It is noted that a condition from the Landscape Officer recommended screen planting to a height of 2m at maturity to the full extent of the pool on the southern and western boundaries. It is appreciated that the screen planting would soften the built form, however, this requirement would not be able to comply with the requirements for non-climbable zones under the Swimming Pools Act 1992 and Australian Standard AS1926. It is therefore necessary to amend the condition to enable the planting within the non-climbable zone to the full extent of the pool to the northern, western and southern boundaries to comply with the relevant standards. The requirement for screen planting to a height of 2m is still suitable for outside of the non-climbable zone along the southern boundary.</p> <p>Please note that the references to compass orientations and boundaries have been amended as per the discussion under Clause 1.7 of PDCP 2014 in this report.</p>
NECC (Development Engineering)	<p>The proposal involves excavation greater than 1 metre in depth and may impact upon the road reserve due to the minimum offset. In this regard the proposal requires a Geotechnical report in accordance with Clause B8.1 of the DCP.</p> <p>The proposal cannot be supported due to inadequate information to address the requirements of clause B8.1 of Council's DCP.</p> <p>Additional Information Submitted 20/07/2018</p> <p>The submitted Geotechnical report addresses the requirements of the DCP. No objection to approval, subject to conditions as recommended.</p>
NECC (Riparian Lands and Creeks)	<p>Dwellings in Sector 12 of Warriewood Valley are required to meet the approved water cycle management for the sector (Pittwater 21 DCP C6.1), which in this case is 50% impervious area on the lot. The existing impervious area is already below this requirement at 47%, however the small size of the proposed swimming pool will not significantly increase the impervious area, which is being increased to 46% of the overall site. Therefore, in this case an exception to the control is accepted, and the pool is approved. Care should be taken to avoid any further reduction to impervious area on the lot through no further increase in paved areas/roofed areas etc.</p> <p>Soil excavated to create the pool should be managed in such a way as to prevent sediment moving off the property and into the water quality ponds on the Shearwater Estate and Warriewood Wetlands.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed swimming pool and landscape works are located outside of the 1% flood extent.</p> <p>No flood related controls apply.</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 (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	0.4m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m (to articulation zone) <i>Kingfisher Way</i>	>1.5m	N/A	Yes
	1m (to articulation zone) <i>Garden Lane</i>	0.5m	50%	No
	1m (to articulation zone) <i>Poplar Lane</i>	0.5m	50%	No
Side building line	0.9m	>0.9m	N/A	Yes
Landscaped area	35% (135.1m ²)	33.06% (127.63m ²)	5.54% (7.47m 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

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 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
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	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
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C6.1 Integrated Water Cycle Management	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.4 Water Management for individual allotments	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	No	Yes
D16.7 Side and rear building lines	Yes	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A1.7 Considerations before consent is granted

The architectural plans submitted with the application (L/00-L/04, dated 02/03/2018, prepared by Contour Landscape Architecture) indicate a compass orientation which does not align with the orientation indicated on the submitted survey plan (Site Survey, dated 14/03/2011, prepared by Donovan Associates). As such, any references to compass orientation in this assessment report and in any conditions have been drawn from the orientation identified on the survey plan. A condition has been included to ensure that the compass orientation on the architectural plans is amended to be consistent

with the orientation identified on the survey plan prior to a Construction Certificate being issued.

The site inspection revealed that a timber deck has already been constructed near the southern boundary of the site which does not match the location and dimensions indicated on the submitted plans. It is understood that the timber deck is proposed to be altered to include a timber daybed as part of the current application. As it is considered that the deck could not have been constructed under Subdivision 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* due to its proximity to the southern boundary and no development consent could be located for the deck, alterations to the structure cannot be considered under the current development application. It is therefore considered necessary to include a condition requiring the proposed alterations to the deck and timber daybed to be removed from the plans and for the area to be returned to landscaped area if the application is to be given development consent.

D16.5 Landscaped Area for Newly Created Individual Allotments

Required Landscaped Area: 35% or 135.1m²

Proposed Landscaped Area: 33.06% or 127.63m²

Proposed Landscaped Area (including removal of existing timber deck): 36.37% or 140.39m²

The application is unable to meet the landscaped area requirement of 35% in its proposed form and when considering the 4m minimum dimensions stated in the control. Strict compliance with the minimum dimensions is considered unreasonable for this site as it is constrained in overall dimensions and due to the siting of the existing dwelling. The proposed landscaped area when considering all areas on the site where plants, trees and grasses can grow, regardless of the dimensions, has been measured at 33.06%, which results in a minor non-compliance with the quantitative requirement of the control. Although the variation would be quite minor, the control does not allow for variations to landscaped area. If the application is approved, a condition will be placed for the existing timber deck on the southern boundary (Garden Lane) to be removed and returned to landscaped area, which would result in a landscaped area of 36.37%, which would meet the quantitative requirement of the control.

Based on the above, the non-compliance is supported on merit.

D16.6 Front building lines

The site does not conform to a typical lot arrangement and cannot be clearly defined in Clause 16.1 of PDGP 2014, as the site can be considered as a hybrid between a rear loaded and corner lot, due to its multiple street frontages, namely its primary frontage to Kingfisher Way and secondary frontages to Garden Lane and Poplar Lane. The proposal must therefore be considered on merit.

The application proposes a 0.5m setback to the pool coping on the secondary frontage to Garden Lane. The subject site is the only property with a frontage to Garden Lane, and therefore, the setback of the proposed pool can only be considered in the context of the existing dwelling house.

The application proposes a 0.5m setback to the pool shell on the secondary frontage to Poplar Lane. The eastern side of Poplar Lane primarily consists of attached garages on rear loaded lots set back approximately 1m from the boundary.

The pool coping extends to the lot boundary on the south-western splay corner, which does not allow for separation or natural screening between the pool and the existing boundary fencing. In order to provide for separation between the fence and pool shell, a condition shall be imposed should the application be approved, requiring a 0.5m setback to be provided from the south-western splay boundary, which is consistent with the setbacks from the southern and western boundaries.

As the pool will not be visible from Poplar Lane or Garden Lane, the proposal will not result in unreasonable bulk and scale. The proposed setback, although minimal, allows for greater amenity within the site by allowing for an increased amount of usable open space on a constrained site and minimises site disturbance, without having any unreasonable impacts on the privacy and solar access of neighbouring properties, due to the separation provided by the road carriageways. The proposal is also consistent with the desired future character of the Warriewood Valley Locality.

The application can therefore be supported on merit, subject to the recommended condition requiring the setback to be increased on the south-western splay corner.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Pittwater Section 94 Development Contributions Plan

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 DA2018/0418 for Construction of a new swimming pool, timber deck and associated landscaping works on land at Lot 84 DP 270385, 3 Kingfisher Way, 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
L/00 Cover Sheet, Rev B	02/03/2018	Contour Landscape Architecture
L/01 Proposed Pool Plan, Rev B	02/03/2018	Contour Landscape Architecture
L/02 Sections Sheet, Rev B	02/03/2018	Contour Landscape Architecture
L/03 Site Analysis Plan, Rev B	02/03/2018	Contour Landscape Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
L/04 Erosion and Sediment Control Plan, Rev B	02/03/2018	Contour Landscape Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment, Ref: AG 18108	19/07/2018	Ascent Geotechnical Consulting

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:

Waste Management Plan

Drawing No.	Dated	Prepared By
Waste Management Plan	undated	Contour Landscape Architecture

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. (DACPLB01)

2. Amendments to the approved plans

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

- the compass orientation on all plans is to be amended to match the compass orientation depicted on the survey plan (Site Survey, dated, 14/03/2011, prepared by Donovan Associates);
- the proposed alterations to the deck and timber daybed near the southern boundary (Garden Lane) are to be removed from all plans, and the existing timber deck near the southern boundary (Garden Lane) is to be removed and returned to landscaped area, as defined in Pittwater Local Environmental Plan 2014; and
- the setback from the south-western splay corner to the edge of the pool coping is to be increased to 0.5m when measured from any point.

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. (DACPLB02)

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)

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

5. **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.

6. **Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary ground anchors are to be used within Council land. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

7. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in

the Geotechnical Report prepared by Ascent Geotechnical Consulting dated 19 July 2018 are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is mitigated appropriately

8. **Compliance with Standards**

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

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

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

9. **Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. **Tree protection**

Existing trees and vegetation shall be retained as follows:

- i) all trees and vegetation within the site shall be protected during all construction stages, excluding exempt trees under the relevant planning instruments or legislation,
- ii) all other trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation, including the three existing street trees located within the road verge.

Reason: To ensure compliance with the requirement to retain and protect significant planting on development sites, and protect the existing amenity that trees and/or bushland vegetation

provide. (Control B4.22)

11. **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).

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

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

12. **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.

13. **Temporary Sediment**

Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.

Reason: To reduce erosion and prevent sediment runoff into public assets

14. **Cleaning of Vehicles Leaving Site**

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite

15. **Acid Sulfate Soil Management**

Any new information which comes to light during excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed (DACHPEDW1)

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

16. **Geotechnical Certification Recommendations have been Implemented**

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management

Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

Reason: To ensure geotechnical risk is mitigated appropriately.

17. Landscaping

Landscaping is to be implemented in accordance with the Plans prepared by Contour Landscape Architecture, numbered L/00 to L/05 inclusive, with the following planting requirement:

- i) screen planting within the non-climbable zone to the full extent of the pool on the northern, western and southern boundary shall comply with the relevant standards under the Swimming Pools Act 1992 and Australian Standard AS1926,
- ii) screen planting to the southern boundary outside of the non-climbable zone of the pool shall consist of shrub hedge planting capable of attaining 2 metres minimum at maturity,
- iii) screen planting referred to above shall be installed at a minimum of 200mm pot size, and at a planting distance of no more than 1 metre apart.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure the built form is softened and complemented by landscaping, reflecting the scale and form of development. (Control C6.2)

18. Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating **'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING**

THIS POOL has been installed.

- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life (DACPLF09)

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

19. Landscape maintenance

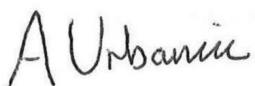
Any existing landscaping required to be retained by this consent together with all new landscaping is to be maintained for the life of the development.

Landscape works shall be maintained for a minimum period of 12 months following practical completion. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be in accordance with the Plans, and associated conditions.

Reason: To maintain local environmental amenity and ensure landscaping continues to soften the built form. (Control C1.1)

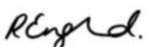
In signing this report, I declare that I do not have a Conflict of Interest.

Signed




Adam Urbancic, Planner

The application is determined on 14/08/2018, under the delegated authority of:



Rebecca Englund, Acting Development Assessment Manager



























ATTACHMENT A

Notification Plan	Title	Date
 2018/188008	Plan - Notification	15/03/2018

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2018/188011	Plans - Survey	15/03/2018
 2018/188008	Plan - Notification	15/03/2018
 2018/188013	Report - Waste Management Plan	15/03/2018
 2018/188012	Report - Statement of Environmental Effects	15/03/2018
 DA2018/0418	3 Kingfisher Way WARRIEWOOD NSW 2102 - Development Application - Alterations and Additions	19/03/2018
 2018/188009	Plans - External	21/03/2018
 2018/188010	Plans - Master Set	21/03/2018
 2018/188006	Development Application Form	21/03/2018
 2018/188007	Fee Form	21/03/2018
 2018/188004	Applicant Details	21/03/2018
 2018/188017	DA Acknowledgement Letter - Contour Landscape Architecture	21/03/2018
 2018/189388	Environmental Health (Acid Sulphate) - Assessment Referral - DA2018/0418 - 3 Kingfisher Way WARRIEWOOD NSW 2102	21/03/2018
 2018/189479	DA Acknowledgement Letter (not integrated) - Contour Landscape Architecture	21/03/2018
 2018/189528	Notification Letter - DA	21/03/2018
 2018/217446	Environmental Health Referral Response - acid sulfate soils	05/04/2018
 2018/257480	Natural Environment Referral Response - Riparian - 3 Kingfisher Way	26/04/2018
 2018/276619	Natural Environment Referral Response - Flood	04/05/2018
 2018/293446	Landscape Referral Response	14/05/2018
 2018/344091	Superceded - Development Engineering Referral Response	05/06/2018
 2018/411154	Request for Withdrawal of Development Application - Contour Landscape Architecture	06/07/2018
 2018/448655	ATT: SHAUN WRIGHT - DA2018/0418 - 3 Kingfisher Way, Warriewood NSW 2102	13/07/2018
 2018/460940	Email - Additional Information - Geotechnical Report	19/07/2018
 2018/460943	Report - Geotechnical	20/07/2018
 2018/462110	Site Photos - 3 Kingfisher Way, Warriewood	20/07/2018
 2018/466744	Email - A Urbancic to Applicant regarding owner's consent for community title lots	24/07/2018
 2018/474630	Development Engineering Referral Response	27/07/2018