

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2025/0216 |
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|---|---|
| Responsible Officer: | Ryan Fehon |
| Land to be developed (Address): | Lot 7 DP 7027, 13 Corrie Road NORTH MANLY NSW 2100 |
| Proposed Development: | Alterations and additions to a dwelling house |
| Zoning: | Warringah LEP2011 - Land zoned R2 Low Density Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | DDP |
| Land and Environment Court Action: | No |
| Applicant: | Your Style Designer Home Additions |

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|----------------------------------|---|
| Application Lodged: | 12/03/2025 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 19/03/2025 to 02/04/2025 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | 4.3 Height of buildings: 13.88% |
| Recommendation: | Approval |

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|---------------------------------|---------------|
| Estimated Cost of Works: | \$ 334,950.00 |
|---------------------------------|---------------|

EXECUTIVE SUMMARY

This application seeks consent for alterations and additions to a dwelling house.

The application is referred to the Development Determination Panel (DDP) due to a breach of the Clause 4.3 "Height of Buildings" development standard under the *Warringah Local Environmental Plan 2011*. The proposed maximum height of the development is 9.68m, which equates to a 13.88% non-compliance with the 8.5m control. Due to the variation of the control being above 10%, there is an automatic trigger for referral to the Development Determination Panel (DDP) as per Council's delegation protocols.

The Clause 4.6 request variation to the height standard is primarily based on the site being partially excavated underneath the existing building, involving only a small section of the structure. Based on

extrapolated natural ground levels under the Bettar caselaw, the height would only be 8.1m. The remainder of the building is under the 8.5m height control.

The height non-compliance is considered satisfactory, as there are no significant impacts on the streetscape nor the adjoining properties. Despite the non-compliance, the first floor addition would appear as any other two-storey detached dwelling when viewed from the street. The assessing officer has noted that the excavated area and non-compliance would only be visible for approximately 4.25m laterally on the side elevations (south and north), if standing in the side setback area. The variation would not affect the character of the street.

As there is a previously excavated storage room on the lower floor of the existing dwelling that sits between 1.36m and 1.71m below the natural ground level (NGL), this historical excavation is considered a sufficient grounds to warrant a variation in this instance.

The assessment revealed two (2) other non-compliances with the Warringah DCP 2011 controls which are justified on a merits assessment, as detailed in this report. These include the B1 Wall Height control (19.44% Variation) and B3 Side Boundary Envelope (5.46% variation). The wall height and envelope variations are also a consequence of the previous excavation works, rendering it difficult to comply with the numerical controls.

No objections from the public were raised in relation to this application.

The assessment has determined that the development is of minimal environmental impact.

There are no special conditions imposed on this application imposed on this application in the draft conditions.

Accordingly, the application is recommended for **approval** subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development involves alterations and additions to an existing dwelling.

The development includes the following aspects:

- First Floor Addition
- Study (new first floor)
- Bathroom (new first floor)
- Living room (new first floor)
- Internal alterations to the ground floor of the dwelling, including a stairway to accommodate access to the proposed first floor addition

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

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
 Warringah Development Control Plan - B1 Wall Heights
 Warringah Development Control Plan - B3 Side Boundary Envelope

SITE DESCRIPTION

| | |
|-----------------------------------|---|
| Property Description: | Lot 7 DP 7027 , 13 Corrie Road NORTH MANLY NSW 2100 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the eastern side of Corrie Road, North Manly.</p> <p>The site is regular in shape with a frontage of 15.24m along Corrie Road and a depth of 45.72m on both sides. The site has a surveyed area of 696.8m².</p> <p>The site is located within the R2 Low Density Residential zone and currently accommodates a single-storey detached residential dwelling, an inground pool, and a weatherboard studio.</p> <p>The site has a slope of between 4.44-5.26m from the rear of the site towards the frontage of the site to Corrie Road.</p> <p>The site possesses trees to the front of the property and in the side boundaries, and a selection of shrubbery and lighter vegetation to the rear of the site. There is not proposed to be a significant effect on any of this vegetation.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> |

Adjoining and surrounding development is characterised by other detached residential buildings and low-rise apartment buildings.

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:

- **CDC2013/0288** - Granny Flat (Completed)
- **CDC2013/0302** - Private SEPP - construction of a new pergola (Completed)
- **DA2015/0308** - Alterations and additions to dwelling house and construction of a front fence, gate and retaining walls (Approved)
- **CDC2020/0770** - Construction of in ground concrete swimming pool - 200368 (Completed)

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 | There are no current draft environmental planning instruments. |

| Section 4.15 Matters for Consideration | Comments |
|--|--|
| environmental planning instrument | |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Warringah 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 2021 (EP&A Regulation 2021) | <p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 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 29</u> of the EP&A Regulation 2021 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 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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> |
| 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 Warringah 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</p> |

| Section 4.15 Matters for Consideration | Comments |
|--|---|
| | impact on the locality considering the nature of the existing and proposed land use. |
| 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 application has been publicly exhibited from 19/03/2025 to 02/04/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

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

REFERRALS

| External Referral Body | Comments |
|---|--|
| Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48 | The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. A1782376 dated 06/02/2025).

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

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Warringah Local Environmental Plan 2011

| | |
|--|-----|
| 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 | 9.68m | 13.88% | No - see discussion |

Compliance Assessment

| Clause | Compliance with Requirements |
|---|---|
| 2.7 Demolition requires consent | Yes |
| 4.3 Height of buildings | No (see detail under Clause 4.6 below) |
| 4.6 Exceptions to development standards | Yes |
| 6.4 Development on sloping land | Yes |

Detailed Assessment

4.6 Exceptions to development standards

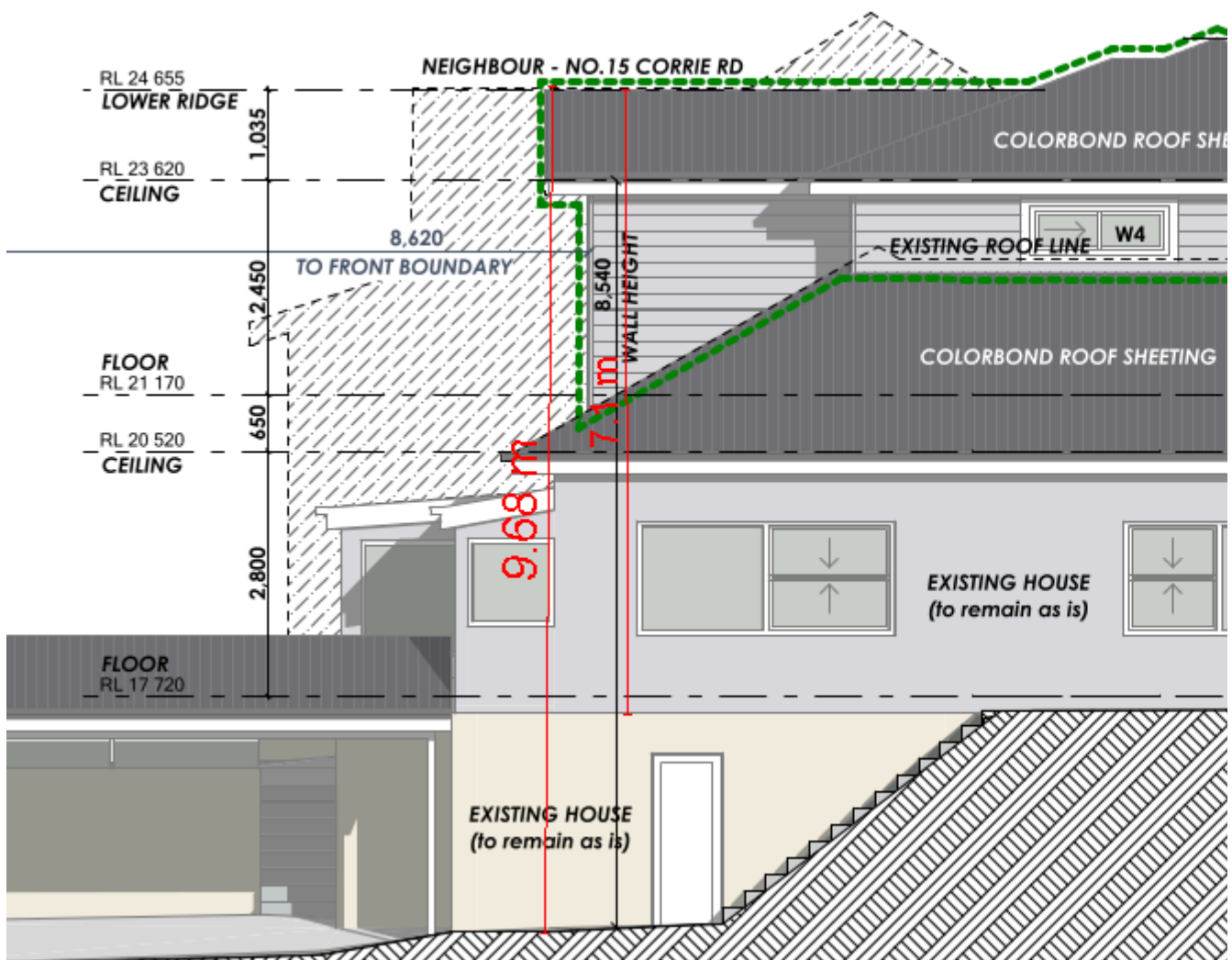
The application seeks consent to vary a development standard as follows:

Development standard: Clause 4.3 - Height of Buildings

Requirement: 8.5m

Proposed: 9.68m

Percentage of variation: 13.88%



With reference to Section 35B of the *Environmental Planning and Assessment Regulation 2021*, the development application is accompanied by a document that sets out the grounds on which the Applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(1) *The objectives of this clause are as follows:*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*.

Subclause (2) of this clause provides that:

(2) *Development consent may, subject to this clause, be granted for development even though the*

development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 - Height of Buildings under the *Warringah Local Environmental Plan 2011* is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

Council is satisfied that the Applicant has demonstrated that compliance with Clause 4.3 is unreasonable or unnecessary in the circumstances of this application for the following reasons:

- Due to a previously excavated area of approximately 4.25m in lateral length and between 1.36m and 1.71m below Natural Ground Level (NGL), it was deemed that compliance with Clause 4.3 was unnecessary.
- The dwelling, despite the non-compliance, still contributes to the 'stepping' nature of the streetscape along Corrie Road, and appears as any other two-storey dwelling when viewed from the street.

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'

The Clause 4.6 Request argues, in part:

- That as per Clause 4.6(3)(a), compliance with the control is unreasonable or unnecessary. The objectives of the Development Standard 4.3 Height of Buildings of the *Warringah Local Environmental Plan 2011* are met notwithstanding the 13.88% non-compliance.

- As per Clause 4.6(4)(b), there are sufficient environmental planning grounds to support the approval of the application. These environmental planning grounds relate to the previously excavated area below the natural ground level, in which if building height was measured from the extrapolated ground levels the dwelling be compliant at 8.1m. The lower floor level as a previously disturbed below ground area distorts a reasonable height plane.
- As per Clause 4.6(a)(iii) the development is in the public interest as the objectives of R2 Low Density Residential land use zone are still being met.

Council believes the 4.6 Variation request is reasonable and in line with Council's opinion of the application. It is deemed to be unreasonable for compliance with Clause 4.3 under the *Warringah Local Environmental Plan 2011* as when measured from the extrapolated ground levels, there is compliance. It is deemed that in the public interest this application should be supported by the Development Determination Panel due to its compliance with the all relevant objectives notwithstanding variations.

Council is satisfied that the Applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of Clause 4.3 for the following reasons:

- A previously excavated subfloor which makes compliance unnecessary.
- The bulk of the dwelling will not be unreasonable when viewed from the streetscape of Corrie Road, North Manly.
- The development responds to site and street topography, promoting the 'stepping' nature of the street along with promoting good design and amenity outcomes that satisfy the objects 1.3(c) and (g) of the EP&A Act 1979.

Public Interest:

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EPA Act.

Conclusion:

Council is satisfied as to the matters set out in Clause 4.6 of the WLEP 2011.

It is considered on balance, that having regard to the particular circumstances regarding a previously excavated subfloor area distorting the height plane, the proposed departure from the *4.3 Height of Buildings* development standard is acceptable and it is reasonable that flexibility to the standard be applied.

Warringah Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---------------------------|--------------------|--------------------------|---------------------|-----------------|
| B1 Wall height | 7.2m | 8.6m | 19.44% | No |
| B3 Side Boundary Envelope | 4m (North) | Within envelope | N/A | Yes |
| | 4m (South) | Outside envelope (350mm) | 5.46% | No |

| | | | | |
|---|--------------|--|-----|-----|
| B5 Side Boundary Setbacks | 0.9m (North) | 2.4m | N/A | Yes |
| | 0.9m (South) | 4.18m | N/A | Yes |
| B7 Front Boundary Setbacks | 6.5m | 8.6m | N/A | Yes |
| B9 Rear Boundary Setbacks | 6m | 26.28m | N/A | Yes |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40% | No change to existing - first floor addition and associated works only | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|-------------------------------------|------------------------------------|
| A.5 Objectives | Yes | Yes |
| B1 Wall Heights | No | Yes |
| B3 Side Boundary Envelope | No | Yes |
| B5 Side Boundary Setbacks | Yes | Yes |
| B7 Front Boundary Setbacks | Yes | Yes |
| B9 Rear Boundary Setbacks | Yes | Yes |
| C2 Traffic, Access and Safety | Yes | Yes |
| C3 Parking Facilities | Yes | Yes |
| C4 Stormwater | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| C9 Waste Management | Yes | Yes |
| D1 Landscaped Open Space and Bushland Setting | Yes | Yes |
| D2 Private Open Space | Yes | Yes |
| D3 Noise | Yes | Yes |
| D6 Access to Sunlight | Yes | Yes |
| D7 Views | Yes | Yes |
| D8 Privacy | Yes | Yes |
| D9 Building Bulk | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D14 Site Facilities | Yes | Yes |
| D20 Safety and Security | Yes | Yes |
| E1 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| E6 Retaining unique environmental features | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

Detailed Assessment

B1 Wall Heights

Description of Non-compliance

The non-compliance of the *B1 Wall Heights* 7.2m control is 19.44%, with a maximum of 8.6m proposed for the wall heights of the dwelling.

Merit Consideration

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

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The wall height non-compliance will not be visible from the street, with the non-compliance only being visible from the side elevations. The non-compliance of the wall height control also solely exists in the area of previous excavation below the natural ground level (NGL), significantly reducing the dwelling's ability to comply with the control.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

There are large trees to the southeast and north of the property that will still be situated above the proposed development despite a first floor addition.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The proposed wall height non-compliance will not directly effect any views in the North Manly area. The non-compliance is driven by the previous excavation for the lower floor of the dwelling, with the development being compliant if measured from the natural ground level. Outside of the non-compliance in this excavated portion of the dwelling, the development is compliant with the 7.2m control.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

Adjoining properties will not be adversely impacted by the proposed wall height variation. The slope of the land on Corrie Road is consistently sloping to the south, creating a 'stepping' nature for all dwellings on the Eastern side of the street. 15 and 11 Corrie Road will not be significantly lower or higher situated than 13 Corrie Road, rather contributing to this stepping nature.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The development responds to the southerly slope of Corrie Road by aligning with neighbouring dwellings to create a seamless integration into the streetscape. No further excavation is proposed.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The roof pitch provided is consistent with other designs on the streetscape, presenting a solid integration into the existing character of the area.

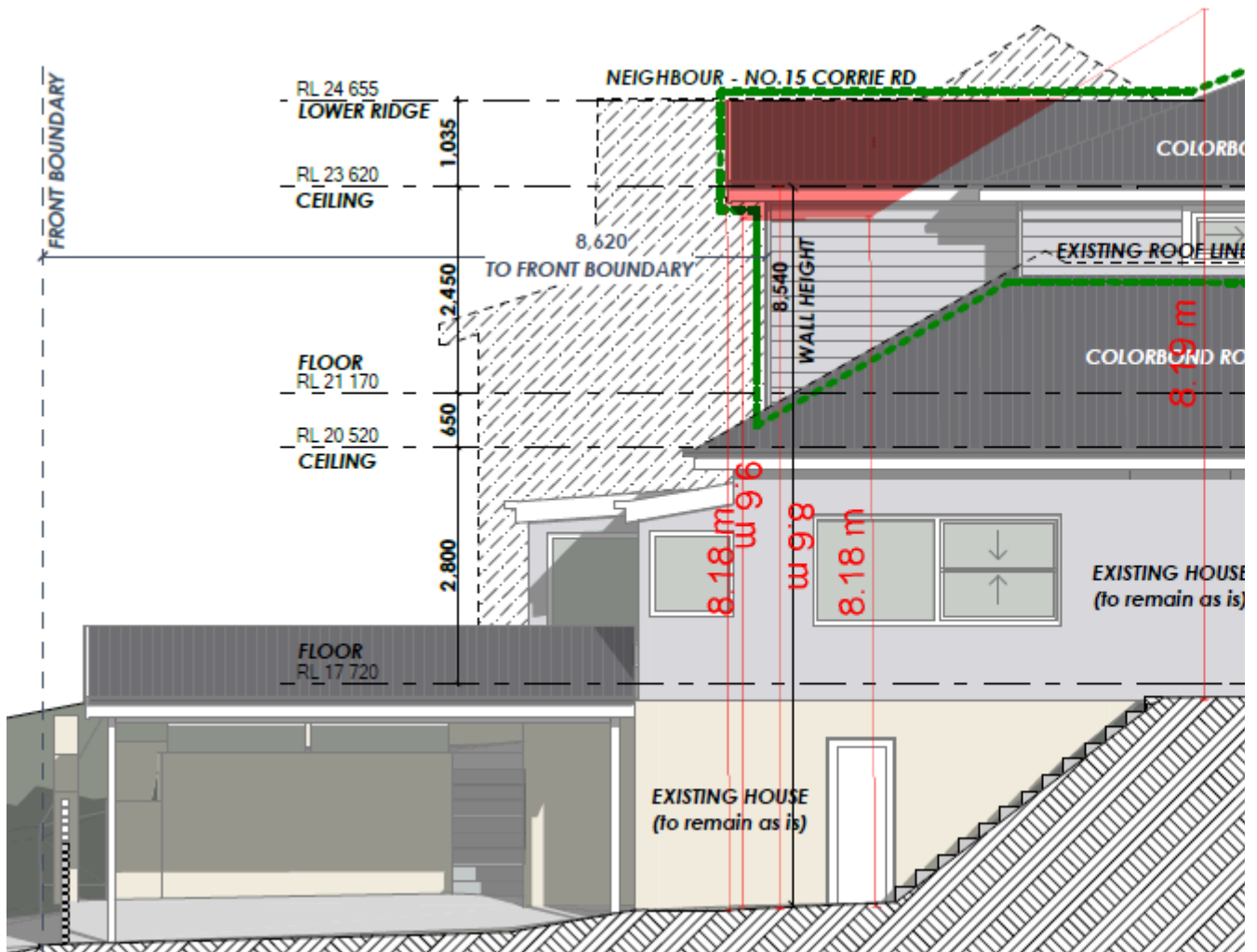
Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

B3 Side Boundary Envelope

Description of Non-compliance

The development has a 350mm breach (5.46%) of the side envelope requirement, which relates to the Southern elevation.



Merit Consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The development will not become visually dominant, as from the street the dwelling will appear as any other two-storey dwelling. Due to the extrapolated ground levels measuring a compliant height for the dwelling, it is considered that the proposed bulk is acceptable as the dwelling would be inside the side boundary envelope.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

There will be no solar impacts of this development, with adequate spacing provided to 15 and 11 Corrie Road, North Manly.

- *To ensure that development responds to the topography of the site.*

Comment:

The development responds to the topography of the site. With the street sloping to the South, there is a 'stepping' nature of the properties especially on the eastern side of Corrie Road. This development will contribute to this stepping nature.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCA and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$3,350 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$334,950.

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 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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

PLANNING CONCLUSION

This proposal for a first-floor addition has been referred to the Development Determination Panel (DDP) due to a breach of over 10% of Clause 4.3 Height of Buildings under the *Warringah Local Environmental Plan 2011*.

During the assessment, it was considered difficult for this development to comply with the height control due to previously excavated areas of the site.

The critical assessment issues were the breaches of three controls, including; WLEP 2011 - Height of Buildings (13.88% variation), WDCP 2011 B1 - Wall Height (19.44% variation) and B3 Side Boundary Envelope (5.46% variation).

There were no objections raised to the development in response to the public notification.

Overall, the development is a high-quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal is therefore recommended for approval.

REASON FOR DETERMINATION

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

RECOMMENDATION

Accordingly Council as the consent authority grant Development Consent to DA2025/0216 for Alterations and additions to a dwelling house on land at Lot 7 DP 7027, 13 Corrie Road, NORTH MANLY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans | | | | |
|----------------|-----------------|----------------------------|------------------------------------|--------------|
| Plan Number | Revision Number | Plan Title | Drawn By | Date of Plan |
| 5 | - | Lower Floor Plan | Your Style Designer Home Additions | 19/02/2025 |
| 6 | - | Ground Floor Plan | Your Style Designer Home Additions | 19/02/2025 |
| 7 | - | First Floor Plan | Your Style Designer Home Additions | 19/02/2025 |
| 8 | - | Elevations (East & West) | Your Style Designer Home Additions | 19/02/2025 |
| 9 | - | Elevations (North & South) | Your Style Designer Home Additions | 19/02/2025 |
| 10 | - | Sections (A-A & B-B) | Your Style Designer Home Additions | 19/02/2025 |
| 11 | - | Sections (A-A & B-B) | Your Style Designer Home Additions | 19/02/2025 |

| Approved Reports and Documentation | | | |
|------------------------------------|------------------------------|-------------------------------------|------------------|
| Document Title | Version Number | Prepared By | Date of Document |
| Report - Clause 4.6 | - | William Fleming (BBF Town Planners) | Not dated |
| Waste Management Plan | - | - | Not dated |
| BASIX Certificate | Certificate number: A1782376 | Your Style Designer Home Additions | 06/02/2025 |
| Geotechnical Assessment | Ref: AG 25057 | AscentGeo Geotechnical Services | 17/02/2025 |

| | | | |
|----------------------|----------------|------------------------------------|------------|
| Schedule of Finishes | Drawing No. 24 | Your Style Designer Home Additions | 19/02/2025 |
|----------------------|----------------|------------------------------------|------------|

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

| Other Department, Authority or Service | EDMS Reference | Dated |
|--|---------------------------|---------|
| Ausgrid | Ausgrid Referral Response | No date |

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. No Approval for Secondary Dwelling

No approval is granted or implied under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

4. Prescribed Conditions

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

5. General Requirements

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) 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.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) 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.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

- (l) 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.
- (m) 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.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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 2018
 - (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

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$3,349.50 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$334,950.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. **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 referenced in Condition 1 of this consent 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 Certifier.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, 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 Certifier 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.

10. **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 Certifier prior to the issue of the Construction Certificate.

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

11. **External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

DURING BUILDING WORK

12. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

13. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

14. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.