

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0245
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot B DP 419338, 11 B Hill Street WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent DA2023/0206 granted for Construction of a dwelling house
Zoning:	C4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Worthington Homes

Application Lodged:	21/05/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	28/05/2024 to 11/06/2024
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The application is made pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act 1979 and seeks to modify the existing Deferred Commencement consent DA2023/0206 for "Construction of a dwelling house" at Lot B DP 419338 (11B) Hill Street, Warriewood.

The proposed modification seeks to modify this consent in the following manner:

Stormwater Management

Provision of an alternative stormwater management system (on-site detention system and absorption system) to that originally required in the Deferred Commencement consent condition No.1 "Stormwater Drainage Easement". This required an easement through downstream properties adjoining the site.

Swimming Pool

Demolish existing pool retained as part of original consent and construct a new pool in a slightly revised location.

Subsequent to lodgement of the application, additional information was provided by the applicant on 27 June and 5 July 2024 (Geotechnical report and revised plans). This information was provided in response to correspondence sent to the applicant on 24 June 2024.

As referred to in the Site History section of the report, the original consent was issued as a Deferred Commencement consent, with condition No.1 requiring the provision of an easement for stormwater drainage through adjoining downstream properties. As the proposed modification involves an alternative stormwater management scheme that does not require an easement, which has been approved by Council's Development Engineers, then Condition No.1 is considered redundant and hence it is recommended to be deleted as part of this modification.

The effect of this deletion is that the Deferred Commencement no longer has utility and therefore an operative consent occurs as a consequence of the recommended approval.

ASSESSMENT INTRODUCTION

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

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

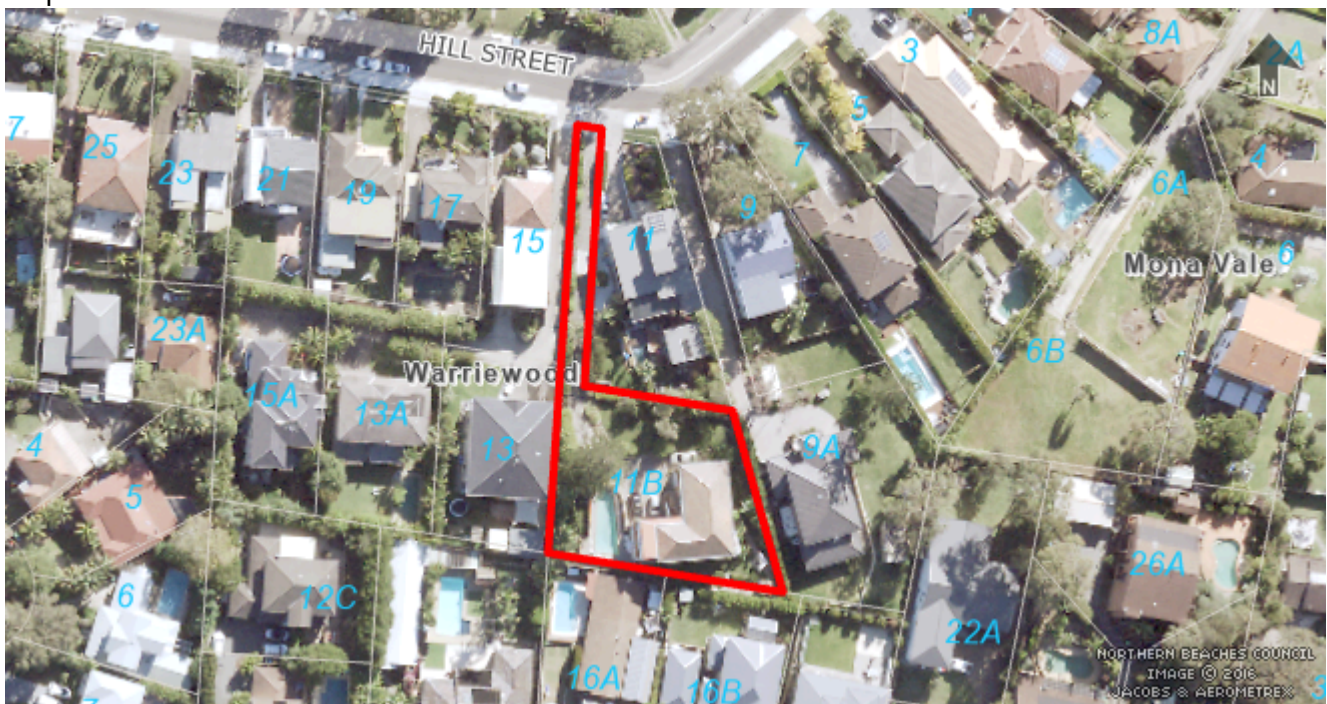
SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone C4 Environmental Living
Pittwater 21 Development Control Plan - B5.15 Stormwater
Pittwater 21 Development Control Plan - C1.17 Swimming Pool Safety
Pittwater 21 Development Control Plan - D14.8 Side and rear building line
Pittwater 21 Development Control Plan - D14.15 Fences - General

SITE DESCRIPTION

Property Description:	Lot B DP 419338 , 11 B Hill Street WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Hill Street.</p> <p>The site is battle-axe in shape with a frontage of 4.595m along Hill Street and a maximum depth of 76.2m. The site has a surveyed area of 1,333m².</p> <p>The site is located within the C4 Environmental Living zone and is a vacant block as the previous two-storey residential dwelling has now been recently demolished and the existing swimming pool remains on site which has a hard cover and surrounded with a construction fencing.</p> <p>The site falls approximately 5m from the east towards the west.</p> <p>The site contains a mostly landscaped curtilage around the dwelling with a large Norfolk Pine tree adjacent to the western side boundary.</p> <p>Adjoining and surrounding development is characterised by low density residential dwellings, many with ancillary structures and/or outbuildings.</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:

DA2023/0206: Deferred Commencement consent granted for "Construction of a dwelling house" on 18 October 2023. Condition No.1 of the Deferred Commencement consent required:

"1. Stormwater Drainage Easement

As this site is a low level property, disposal of stormwater drainage is to be via an interallotment drainage easement through the downstream properties of 13, 13A, 15 and 15A Hill Street, Warriewood. The inter-allotment drainage easement is to be in accordance with the stormwater drainage plans prepared by ALWDESIGN Civil Engineering Consultants, Drawing No. SW23273 - S1 to S3, Rev B, dated 5/09/2023. The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the created easement on title in order to activate the consent.

Stormwater drainage plans are to be submitted to Council for written approval detailing disposal of stormwater from the site in accordance with Council's Water Management Policy. Stormwater drainage plans are to include any required upgrades to the existing inter-allotment pipeline and hydraulic calculations demonstrating that the existing system can accommodate the additional flows from 11B Hill Street. Certification by an appropriately qualified Civil Engineer, who has membership to Engineers Australia, National Engineering Register (NER) or Professionals Australia (RPENG), is to be submitted to Council for written approval.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties."

This consent is the subject of the proposed modification.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2023/0206, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/0206 for the following reasons:</p> <ul style="list-style-type: none"> the amended stormwater management system is an ancillary / incidental aspect of the original consent for the house and swimming pool and its revised design will result in no visible change to the approved development; and in the original consent the existing pool was to be retained and refurbished and hence formed part of this consent, hence the proposed modification to revise the location of the pool will not be in substantive or conceptual terms any different from the original consent.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2023/0206 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.

Section 4.55 (2) - Other Modifications	Comments
the notification or advertising of applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 (2) the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 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 the original 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. Additional information was</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>requested in relation to: geotechnical report; and elevations, in correspondence dated 24 June 2024. Additional information was received by Council in response on 27 June and 5 July 2024.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This matter has been addressed via a condition of the original 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 the original 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 Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 28/05/2024 to 11/06/2024 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Vladimir Kornjaca	13 Hill Street WARRIEWOOD NSW 2102

The following issues were raised in the submission, which is summarised and considered below:

- ***The proposed modifications will not adequately manage stormwater generated by the development and will have an adverse impact on the adjoining property at No.11B Hill Street.***

Comment: Council's Development Engineer has reviewed the proposed modification, including the additional information provided by the applicant. Their review has found that the proposed modification will be consistent with Council's policies for stormwater management and as such, the proposed modification is not expected to result in any additional adverse impact on adjoining properties, with regards to stormwater runoff.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The application is for modification to development consent DA2023/0206 as described in reports and as illustrated on plans. The proposed modification to construct a subsurface stormwater detention system and relocated the existing pool is located where turf areas are proposed under development consent DA2023/0206 and no changes occur to the proposed landscape setting as approved. The proposed subsurface stormwater detention system is located in proximity to the existing Norfolk Island Pine and a arboricultural statement is submitted by a Consulting Arborist that the additional encroachment into the tree protection zone "will be sustainable if managed sensitively" and it is noted that under development consent DA2023/0206, conditions 16. Tree and Vegetation Protection and condition 22. Condition of Retained Vegetation, deal with arboricultural requirements to be satisfied, and as such no objections are raised to the modification proposal from Landscape Referral.
NECC (Development Engineering)	The proposal is for the modification of Consent DA2023/0206 to amend the stormwater management system and delete the Deferred Commencement Condition.

Internal Referral Body	Comments
	<p>The submitted stormwater plans propose discharge to an absorption system. However no supporting geotechnical information has been provided.</p> <p>The applicant shall submitted the geotechnical report with a measured infiltration test results prior to further assessment.</p> <p>Additional Information Provided on 27/6/2024</p> <p>The geotechnical report has been provided. No objections to approval subject to the following amendment to conditions of Consent DA2023/0206:</p> <ul style="list-style-type: none"> - Delete Condition 1. - Delete Condition 9 -Delete Condition 23 <p>Include Conditions as recommended below.</p>

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.1369910S dated 15 February 2023).

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 proposed modification was referred to Ausgrid who raised no objections.

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.

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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	7.7m	No change	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

Zone C4 Environmental Living

The proposed modification involves changes to stormwater management and swimming pool location in the original consent for a construction of a new dwelling house and associated landscaping works. The proposal is considered against the objectives of the zone as follows:

To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

Comment: The area of the site that is subject to the proposed modification has been subject to previous disturbance by previous development. The existing Norfolk Pine tree was retained under the original consent, and the proposed modification will not adversely effect this vegetation. Furthermore, the proposed modifications have been appropriately sited and scaled, such that they will not unreasonably detract from the visual qualities of the locality. Overall, the proposed modification is considered to have an acceptable impact upon the ecological, scientific or aesthetic values of the area.

To ensure that residential development does not have an adverse effect on those values.

Comment: As demonstrated above, the proposed modification does not have an adverse effect on the ecological, scientific or aesthetic values listed above.

To provide for residential development of a low density and scale integrated with the landform and landscape.

Comment: The proposal also does not change the existing low density residential land use and the scale of the development is commensurate with nearby residential development within the locality. Overall, the proposal meets this objective.

To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

Comment: The proposed modification will ensure the retention of a number of trees including the large Norfolk Pine tree on the site, under the original consent.

In summary, the proposed development satisfies the objectives of the C4 Environmental Living zone.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
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Front building line	6.5m	>6.5m	unaltered	N/A
Rear building line	6.5m	3.34m (dwelling house)	unaltered 1m (pool)	N/A Yes*
Side building line	2.5m (north)	3.1m	unaltered	Yes
	1m (east)	13.095m	3.46m	Yes
Building envelope	3.5m (north)	Within envelope	unaltered	Yes
	3.5m (east)	Within envelope	unaltered	Yes
Landscaped area	60%	679.6m ² or 60.4%	unaltered	Yes

* Refer to discussion in section of report pertinent to Part D14.8 of P21 DCP

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.8 Side and rear building line	No	Yes
D14.13 Landscaped Area - Environmentally Sensitive Land	Yes	Yes
D14.15 Fences - General	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B5.15 Stormwater

The original Deferred Commencement consent required that before the consent be made operative, the applicant was to create an easement under Sections 88B and/or 88K of the Conveyancing Act 1919, for the purposes of stormwater management. The easement was required as the site is a low level property under Council's policy, and the connection was to run through the adjoining properties at Nos.13, 13A, 15 and 15A Hill Street, Warriewood. The applicant has been unable to secure the easement and hence a dispersion / trench system is proposed as an alternative. Council's engineers have approved this system and hence the easement is no longer required. Deferred Commencement condition No.1 and operative conditions No.9 (Stormwater Disposal from Low Level Property) and 23 (Stormwater Disposal) are therefore recommended to be deleted, as they relate to the originally approved downstream easement system.

C1.17 Swimming Pool Safety

Condition No.26 "Swimming Pool Requirements (existing pool modified by works)" of the existing consent required the application of the relevant swimming pool standards to the existing pool. As these standards have since been updated, it is recommended that the wording for the warning sign in 26(b) will need to be updated to read: 'YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS POOL'. The condition heading should also be updated to reflect that the existing pool will be demolished and replaced with a new pool.

D14.8 Side and rear building line

The proposed swimming pool is situated at 1m from the rear (southern) boundary. Part D14.8 states that:

"For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:

- *satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and*
- *Council is satisfied that the adjoining properties will not be adversely affected, and*
- *the pool or spa is not more than 1 metre above ground level (existing), and*
- *that the outcomes of this clause are achieved without strict adherence to the standards, and*
- *where the site constraints make strict adherence to the setback impractical, and*
- *where strict compliance with these requirements will adversely impact on the views of adjoining residential properties."*

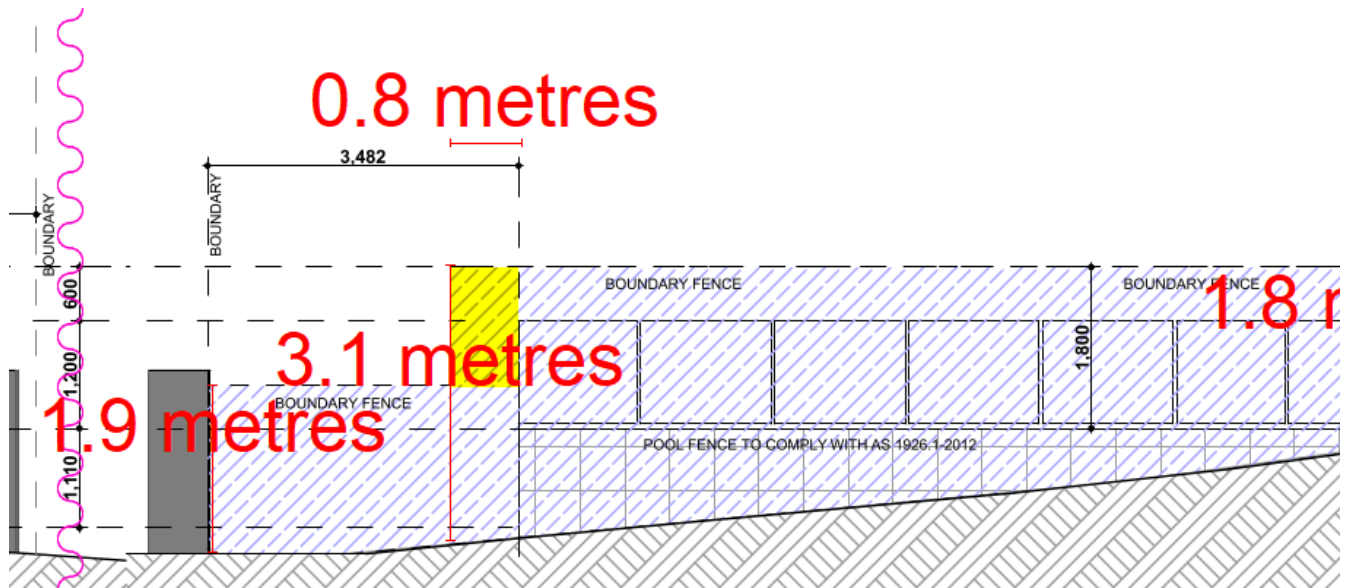
The proposed swimming pool can meet most of these criteria, with the exception of the pool being at least 1.2m above the ground, at its highest point. Despite this, the proposed swimming pool will be of an adequate siting and location to meet both these criteria and critically, the objectives of the control. Hence, full compliance with the rear 6.5m setback is not considered necessary under the circumstances.

D14.15 Fences - General

Description of the Non-compliance

The proposed boundary fence on the rear southern boundary will reach a height of 3.1m for a short distance of 0.8m, above the 1.8m control. This is result of the existing ground level transitioning rapidly

from the proposed pool (which is not dissimilar from the existing pool) to the remainder of the private open space. An excerpt from the plans, shows this non-compliance (in yellow) when viewed from the south elevation:



Consideration of the Outcomes of the control

To achieve the desired future character of the Locality. (S)

Comment: The extent of the variation will not be inconsistent with the DFC.

To ensure fences compliment and conserve the visual character of the street and neighbourhood

Comment: The visual character of the street and neighbourhood will not be adversely impacted as a result of the proposed variation with the control.

To define the boundaries and edges between public and private land and between areas of different function.

Comment: The proposed fence provides sufficient definition of the boundary between adjoining land and the subject site.

To contribute positively to the public domain.

Comment: The proposed fence will not be readily visible from the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Comment: As stated above, the proposed fence will not be readily visible from the public domain and will not adversely effect casual surveillance of the street.

Fences, where provided, are suitably screened from view from a public place. (S)

Comment: As stated above, the proposed fence will not be readily visible from the public domain.

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

Comment: As stated above, the proposed fence will not be readily visible from the public domain and will have no effect on existing sight distances and clear views of the street.

To ensure heritage significance is protected and enhanced. (S)

Comment: Not relevant to the subject site.

To ensure an open view to and from the waterway is maintained. (S)

Comment: Not relevant to the subject site.

In summary, despite the variation with the numerical control, the proposal can meet the Outcomes of the control and full compliance is not considered necessary under the circumstances.

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 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- 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 approval to Modification Application No. Mod2024/0245 for Modification of Development Consent DA2023/0206 granted for Construction of a dwelling house on land at Lot B DP 419338, 11 B Hill Street, WARRIEWOOD, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-434299 - MOD2024/0206	The date of this notice of determination	<p>1) Provide alternative stormwater management system required in the Deferred Commencement consent condition No.1 "Stormwater Drainage Easement"; and 2) demolish existing pool retained as part of original consent and construct new pool in slightly revised location. The proposed modification will have the effect on following conditions:</p> <ul style="list-style-type: none"> • Delete Condition No.1 - Stormwater Drainage Easement • Modify Condition No.2 - Approved Plans and supporting documentation • Delete Condition No.9 - Stormwater Disposal from Low Level Property • Delete Condition No.23 - Stormwater Disposal • Modify Condition No.26 - Swimming Pool Requirements (existing pool modified by works)

Modified conditions

A. Delete Condition No.1 - Stormwater Drainage Easement

B. Add Condition No.2A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

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
APPROVAL-1	J	Pool Demolition Plan	Worthington Homes	27 June 2024
APPROVAL-2	J	Site Plan	Worthington Homes	27 June 2024
APPROVAL-3	J	Pool Plans	Worthington Homes	27 June 2024
APPROVAL-5	J	Elevations/Sections	Worthington Homes	27 June 2024
APPROVAL-6	J	Hydraulics	Worthington Homes	27 June 2024

Approved Reports and Documentation			
Document Title / Number	Version Number	Prepared By	Date of Document
PERMEABILITY TEST REPORT / 68950-IDF	-	idealgeotech	March 2024
Statement in relation to existing trees located at 11B Hill Street Warriewood NSW	-	Michael Shaw Consulting Arborist	15 May 2024

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

In the event of any inconsistency with 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.

C. Delete Condition No.9 - Stormwater Disposal from Low Level Property

D. Delete Condition No.23 - Stormwater Disposal

E. Modify Condition No.26 - Swimming Pool Requirements (existing pool modified by works) to read as follows:

26. 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 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

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, 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 ACTIVELY 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 Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

Signed



Nick England, Planner

The application is determined on 10/07/2024, under the delegated authority of:



Adam Richardson, Manager Development Assessments