

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0540
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Responsible Officer:	Charlotte Asbridge
Land to be developed (Address):	Lot 10 DP 229129, 47 Aranda Drive DAVIDSON NSW 2085
Proposed Development:	Additional use of premises as a home business
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Root Crera Pty Ltd

Application Lodged:	30/05/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	09/06/2025 to 23/06/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 370.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the use of a home business at the dwelling comprising of food preparation within the home kitchen. No building work is proposed.

The food preparation includes toppings used on frozen yogurt such as roasted nuts, cookies, sauces ect. that are produced in small quantities.

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 - 5.4 Controls relating to miscellaneous permissible uses
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - C9 Waste Management
 Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 10 DP 229129 , 47 Aranda Drive DAVIDSON NSW 2085
Detailed Site Description:	<p>The subject site consists of 1 allotment located on the south-west side of Aranda Drive, Davidson.</p> <p>The site is regular in shape with an approximate area of 701sqm.</p> <p>The site is located within the R2 - Low density Residential zone from WLEP 2011 and accommodates a two storey dwelling with garage and associated landscaping.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached dwellings, a small shop top housing development and, a bush reserve.</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:

- In November 2020, CDC2020/0819 was approved for the construction of a rear deck and pergola.

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	There are no current draft environmental planning instruments.
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	None applicable.

Section 4.15 Matters for Consideration	Comments
agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>Part 4, <u>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. Additional information was requested in relation to providing a floor plan showing the proposed location of the home business (the kitchen). This was submitted for assessment on 17 June 2025.</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 clause is not relevant to this application.</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 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 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 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 Matters for Consideration	Comments
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 09/06/2025 to 23/06/2025 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

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments</p> <p>As the proposed use of the premises is low intensity/risk, the proposal is considered acceptable.</p> <p>Environmental Health recommends a number of conditions of consent to preserve the amenity of the neighbourhood and to restrict further intensification of the use at the property</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>

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 (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

The proposal does not include any building work, therefore, a detailed assessment of the proposal against the principal development standards is not required.

Compliance Assessment

Clause	Compliance with Requirements
5.4 Controls relating to miscellaneous permissible uses	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

5.4 Controls relating to miscellaneous permissible uses

The home business consisting of baking and preparing toppings to be used for a frozen yogurt food business. It is permissible with consent and is solely located within the kitchen which is less than 50sqm in size (approximately 15.34sqm).

Warringah Development Control Plan

Built Form Controls

The proposal does not include any building work, therefore, a detailed assessment of the proposal against the built form controls is not required.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes

Detailed Assessment

C2 Traffic, Access and Safety

There is no proposed change to the existing vehicle and pedestrian access to the site as part of this application. The home business therefore, will use the existing vehicle and pedestrian arrangements for deliveries to and from the premises. As stated in the Statement of Environmental Effects (SEE), all food products leaving the house will do so on foot and be walked a short distance to the food stall. Any product deliveries to the house (such as food ingredients) will be minimal and can be done either on foot or by car. The proposal will not result in any adverse safety effects or increased off-street parking demand. Deliveries of ingredients will occur during the approved business hours, subject to approval.

C9 Waste Management

A detailed Waste Management Plan (WMP) was not submitted for this application but rather, a sufficient explanation was provided within the lodged Statement of Environmental Effects (SEE). As the waste produced will be minimal and household in nature (such as food scraps and plastic packaging), a detailed WMP was not required for assessment. The owner will be able to sort the low quantities of waste into their existing household supplied general and recycling bins.

D3 Noise

As the proposal seeks consent to bake and prepare low quantities of food products within the residential kitchen, there will be no excessive noise generated. All noise made within the hours of operation (subject to approval) will be limited to the standard noise produced within a residential premises. No modifications or new appliances to the kitchen are proposed as part of this application.

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

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this 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;
- 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

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 DA2025/0540 for Additional use of premises as a home business on land at Lot 10 DP 229129, 47 Aranda Drive, DAVIDSON, 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
-	-	Floor Plans	-	-

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Category 1 Fire Safety Provisions Statement	-	Signed by Mei-Yan Miu	14 May 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. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a home business, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

(a) *the employment of more than 2 persons other than the residents,*

(b) *interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,*

(c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,

(d) the exhibition of signage, other than a business identification sign,

(e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

3. Notice of Food Business

Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason: To enable council to ensure compliance with the consent when the business is operating.

4. Registration of food Business

The food business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

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

5. Deliveries and Waste Service Collections

Deliveries and waste collection shall only occur during the approved operational hours.

Reason: Reason: To minimise the impacts of noise on neighbouring premises.

6. Food Handling

No cooking or food preparation, not applied for or covered in this current application, is approved. The food business on site serving the food shall ensure the external supplier of cooked/refrigerated potentially hazardous food (PHF) is registered with Council or NSW Food Authority and that food is kept at the required temperature and protected from contamination during delivery to the business.

Reason: To ensure ongoing compliance with food premises standards.

7. Signage During Ongoing Use

During ongoing use of the premises:

- No retail sales at the premises is to take place
- No goods or signs are to be publicly displayed

Reason: To protect the amenity of the local area.

8. Storage of goods during ongoing use

During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.

Reason: To ensure goods are stored wholly within the premises and protect the amenity of the local area.

9. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 9am-5pm
- Saturday – 9am-5pm

Upon expiration of the permitted hours, all service shall immediately cease.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

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

Signed



Charlotte Asbridge, Planner

The application is determined on 04/07/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments