

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/0377
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<b>Responsible Officer:</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 9 DP 7827, 156 Warriewood Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Alterations and additions to a dwelling house
<b>Zoning:</b>	R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Stephen Chandler
<b>Applicant:</b>	Stephen Chandler

<b>Application Lodged:</b>	13/04/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	22/04/2021 to 06/05/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 69,500.00
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### PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for alterations and additions to the existing dwelling including the provision of a new upper level storage area above an existing detached single storey garage and secondary dwelling. The existing ground floor level of the detached outbuilding will remain unchanged.

### AMENDED PLANS

During assessment, Council raised concerns regarding the potential impact of the bulk and scale of the building on the rear adjacent property caused by the proposed roof form and height increase.

The applicant submitted an amended design that changed the pitched roof form to a skillion roof form with the high ridge located on the southwest side of the building. The overall height of the structure is also reduced by 0.4m compared to the original proposal. Council considers these amendments are

appropriate in reasonably reducing the level of impact of the development on adjacent properties.

In accordance with the provisions of the Northern Beaches Community Participation Plan, as the amendments are considered to be minor and will result in a lesser environmental impact on nearby properties and the public domain, re-notification of the application was not required.

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - D14.8 Side and rear building line

Pittwater 21 Development Control Plan - D14.11 Building envelope

Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 9 DP 7827 , 156 Warriewood Road WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northeastern side of Warriewood Road.</p> <p>The site is irregular in shape with a frontage of 16.82m along Warriewood Road and a maximum depth of 61.735m. The site has a surveyed area of 886.5m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a two-storey residential dwelling and detached garage and secondary dwelling at the rear.</p> <p>The site falls approx. 6m from the northeast towards the southwest.</p>

The site contains a large landscaped front setback area with some trees along the front boundary. The area between the dwelling and detached garage contains grass and gardens.

#### Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density residential dwellings, many with ancillary structures and/or outbuildings.

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:

Application **N0201/17** for Conversion of an existing outbuilding and use as a secondary dwelling was approved on 11/07/2017 by Council staff.

Application **DA2020/1752** for Alterations and additions to a dwelling house was approved on 15/03/2021 by Council staff.

#### 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	See discussion on "Environmental Planning Instruments" in this

Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to amended plans.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 22/04/2021 to 06/05/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Stacey Mitchell Mr Robert Lee Mitchell	97 Alameda Way WARRIEWOOD NSW 2102

The following issues were raised in the submissions and each have been addressed below:

- View loss



- Amenity impact

The matters raised within the submissions are addressed as follows:

- *Concern is raised that the proposed development will result in unreasonable view loss from the rear adjacent property.*

Comment:

An inspection of the rear adjacent property was undertaken during assessment to ascertain the potential level of view impact the proposed development may cause. It was considered the development as originally proposed has a high potential to impact the view corridor towards the southwest from dwelling located to the northeast of the site.

As such, Council required the applicant amend the roof design to lower its overall height and form. The applicant submitted an amended design that results in an overall height reduction of 0.4m compared to the original proposal and the revision of the pitched roof design to a skillion design with the upper level ridge moved towards the southwest.

It is considered these amendments will substantially reduce the potential view impact caused by the proposed development and satisfies the view loss assessment principles outlined in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. As such, based on the amended proposal, the application will not be refused on the grounds of unreasonable view loss.

- *Concern is raised that the proposed design and increased height of the roof will unreasonably impact upon the amenity of adjacent properties by way of excessive bulk and scale. Concern is also raised regarding potential glare and reflection from the roof finish.*

Comment:

As discussed above, based on Council's concerns regarding the potential view loss impacts of the development, the applicant submitted an amended design that results in an overall height reduction of 0.4m compared to the original proposal and the revision of the pitched roof design to a skillion design with the upper level ridge moved towards the southwest.

This amendment to the building design is considered to result in a lesser amenity impact to adjacent properties, particularly adjacent properties to the northeast. The revised roof form relocates the upper level bulk of the structure further away from the rear boundary, thus reducing the visual dominance of the structure when viewed from the rear adjacent dwelling. It is noted the amendments are consistent with the objectors submission which included a skillion roof design that is now included in the design.

To ensure glare and reflection from the proposed roof is mitigated, a condition is included to require the use of a medium or dark colour to reduce the level of solar reflectivity.

## REFERRALS

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response

External Referral Body	Comments
	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, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### SEPP (Infrastructure) 2007

#### Ausgrid

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

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

#### Comment:

The proposal was referred to Ausgrid 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.

## Pittwater Local Environmental Plan 2014

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

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	Behind existing dwelling	N/A	Yes
Rear building line	6.5m	0.3m (existing)	95.4%	No
Side building line	NW - 1m	0.2m (existing)	80%	No
	SE - 2.5m	0.8m (existing)	68%	No
Building envelope	NW - 3.5m	Outside envelope	2.2%	No
	SE - 3.5m	Outside envelope	11.4%	No
Landscaped area	50% (443.25m <sup>2</sup> )	46% (407.4m <sup>2</sup> )	8.1% (35.85m <sup>2</sup> )	No

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

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.14 Warriewood Locality	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	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
C1.14 Separately Accessible Structures	Yes	Yes
C1.23 Eaves	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	Yes	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	No	Yes
D14.12 Landscaped Area - General	No	Yes

#### Detailed Assessment

#### **D14.8 Side and rear building line**

##### Description of non-compliance

The control requires built structures other than driveways, fences and retaining walls to be setback a minimum of 2.5m from at least one side boundary and 1m from the other side boundary and 6.5m from the rear boundary.

The proposed development utilises the existing side and rear setbacks of the detached garage and secondary dwelling structure. The existing structure is setback 0.2m from the northwest side boundary, 0.8m from the southeast side boundary and 0.3m from the rear boundary. This represents variations of

80%, 68% and 95.4% respectively.

#### Merit consideration

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

- *To achieve the desired future character of the Locality.*

#### Comment:

The proposed development will remain unseen as viewed from the public domain. The design and siting of the of the upper level addition will not result in any unreasonable view loss and the upper level bulk of the structure is moved towards the southwest, therefore reducing the visual and amenity impacts caused by the existing structure on adjacent properties to the northeast. In this regard, the desired future character of the locality is considered to be achieved.

- *The bulk and scale of the built form is minimised.*

#### Comment:

Through revision of the proposed design of the roof form during assessment, the built form of the development is considered to be minimised to a reasonable extent. This is achieved by altering the originally proposed pitched roof to a skillion roof with the high ridge located on the southwest side of the building. This is expected to substantially reduce the impact of bulk and scale of the development on the rear adjacent property.

- *Equitable preservation of views and vistas to and/or from public/private places.*

#### Comment:

No significant view corridors or vistas from properties to the northeast will be unreasonably hindered as a result of the proposed development. The revision of the roof form and lowering of the building's overall height by 0.4m will ensure the roof ridge is below the ridges of dwellings beyond to the southwest.

- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

#### Comment:

As above, no significant view corridors or vistas will be unreasonably hindered as a result of the proposed development.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the*

*development site and maintained to residential properties.*

Comment:

The proposed development is not expected to unreasonably impact upon the existing level of amenity and solar access afforded to the site and adjacent properties.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

Comment:

The development does not greatly impact on the existing landscaped area for the site as most new structures will be partially located over existing building footprint or hard surface.

- *Flexibility in the siting of buildings and access.*

Comment:

The proposed development maintains the setbacks of the existing building with an increased setback of the upper level to the northwest side boundary. As such, the development is considered to be appropriately sited.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The siting of the existing building with a nil rear setback limits the possibility to utilise vegetation to screen it from the rear adjacent property. However, a revision to a skillion roof design will assist in moving the upper level bulk of the building away from the rear boundary, thus reducing the built form impact on the rear adjacent property.

- *To preserve and enhance the rural and bushland character of the locality.*

Comment:

The proposed development will not disrupt the character of the surrounding urban environment and will not detract from the rural and bushland character of the area as the structure will be unseen from the streetscape.

- *To ensure a landscaped buffer between commercial and residential zones is established.*

Comment:

Not applicable, given the site does not adjoin a commercially zoned property.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP 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.

#### **D14.11 Building envelope**

##### Description of non-compliance

The control requires that a building must be sited within the building envelope which is determined by projecting planes at 45° from a height of 3.5m above the ground level at the side boundary.

The breach to the side envelope control occurs along portions of the northwest and southeast side elevations.

The proposed upper floor addition encroaches beyond the prescribed envelope control along the northwest elevation by up to 0.1m in height for a length of 0.9m, which represents a variation of nil to 2.2%.

The proposed upper floor addition encroaches beyond the prescribed envelope control along the southeast elevation by up to 0.5m in height for a length of 2.8m, which represents a variation of nil to 11.4%.

##### Merit consideration

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

- *To achieve the desired future character of the Locality.*

##### Comment:

The proposed development will remain unseen as viewed from the public domain. The design and siting of the of the upper level addition will not result in any unreasonable view loss and the upper level bulk of the structure is moved towards the southwest, therefore reducing the visual and amenity impacts caused by the existing structure on adjacent properties to the northeast. In this regard, the desired future character of the locality is considered to be achieved.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

##### Comment:

The development maintains compliance with the maximum allowable building height and does not require the removal of any existing vegetation. The development not be readily perceivable from the streetscape due to its siting at the rear of the property behind the dwelling.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment:

Notwithstanding the breach of the building envelope, the proposed development is consisted to appropriately respond to the spatial characteristics of the site and surrounds and appropriately mitigates built form impact on adjacent properties. The development demonstrates a compliant building height and does not require the removal of any existing vegetation.

- *The bulk and scale of the built form is minimised.*

Comment:

Through revision of the proposed design of the roof form during assessment, the built form of the development is considered to be minimised to a reasonable extent. This is achieved by altering the originally proposed pitched roof to a skillion roof with the high ridge located on the southwest side of the building. This is expected to substantially reduce the impact of bulk and scale of the development on the rear adjacent property.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment:

No significant view corridors or vistas from properties to the northeast will be unreasonably hindered as a result of the proposed development. The revision of the roof form and lowering of the building's overall height by 0.4m will ensure the roof ridge is below the ridges of dwellings beyond to the southwest.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment:

The proposed development is not expected to unreasonably impact upon the existing level of amenity and solar access afforded to the site and adjacent properties.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The siting of the existing building with a nil rear setback limits the possibility to utilise vegetation to screen it from the rear adjacent property. However, a revision to a skillion roof design will assist in moving the upper level bulk of the building away from the rear boundary, thus reducing the built form impact on the rear adjacent property.

Having regard to the above assessment, it is concluded that the proposed development is consistent



with the relevant objectives of P21DCP 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.

#### **D14.12 Landscaped Area - General**

##### Description of non-compliance

The control requires a minimum of 50% (443.25m<sup>2</sup>) of the site area to be provided as landscaped area.

The proposal provides for a total of 46% (407.4m<sup>2</sup>) of the site as landscaped area, which represents a variation of 8.1% (35.85m<sup>2</sup>).

In accordance with the variations provision of the Control, impervious areas less than 1 metre in width and up to 6% of other impervious areas that provide for outdoor recreational purposes may be included as part of the landscaped area calculation. In this respect, the site is provided with 52% (460.6m<sup>2</sup>) of its total area as landscaped area thereby complying with the numeric requirement.

##### Merit consideration

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

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

##### Comment:

The proposed development is mostly contained within the footprint of existing built structures. The total amount of landscaped area on the site will not be significantly reduced. The site will remain afforded with sufficient landscaped area. As such, the development is considered to achieve the desired future character of the locality.

- *The bulk and scale of the built form is minimised.*

##### Comment:

Through revision of the proposed design of the roof form during assessment, the built form of the development is considered to be minimised to a reasonable extent. This is achieved by altering the originally proposed pitched roof to a skillion roof with the high ridge located on the southwest side of the building. This is expected to substantially reduce the impact of bulk and scale of the development on the rear adjacent property.

- *A reasonable level of amenity and solar access is provided and maintained.*

##### Comment:

The proposed development is not expected to unreasonably impact upon the existing level of amenity and solar access afforded to the site and adjacent properties.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment:

The siting of the existing building with a nil rear setback limits the possibility to utilise vegetation to screen it from the rear adjacent property. However, a revision to a skillion roof design will assist in moving the upper level bulk of the building away from the rear boundary, thus reducing the built form impact on the rear adjacent property.

- *Conservation of natural vegetation and biodiversity.*

Comment:

No significant vegetation is required to be removed to facilitate the proposed works.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment:

To ensure that stormwater runoff can be appropriately reduced and managed, conditions are included to require compliance with the requirements of Council's Water Management for Development policy.

- *To preserve and enhance the bushland character of the area.*

Comment:

The landscaped area within the site is sufficient and the proposal is not expected to unreasonably impact upon bushland characteristics of the locality.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment:

As above, conditions are included to require compliance with the requirements of Council's Water Management for Development policy. In this regard, the soft surface provided within the site must provide for infiltration of water to the water table, minimise run-off and also assist with stormwater management.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessments 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 2019**

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

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

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

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

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

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2021/0377 for Alterations and additions to a dwelling house on land at Lot 9 DP 7827, 156 Warriewood Road, WARRIEWOOD, subject to the conditions printed below:

### **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

#### **1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition

of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA.01 Rev B	03/06/2021	JJ Drafting
DA.03 Rev B	03/06/2021	JJ Drafting
DA.06 Rev B	03/06/2021	JJ Drafting
DA.07 Rev B	03/06/2021	JJ Drafting
DA.08 Rev B	03/06/2021	JJ Drafting

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

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

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	14/12/2020	Vaughan Milligan Development Consulting

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

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

## 2. Prescribed Conditions

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

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

following information:

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

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

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

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

Reason: Legislative requirement.

### 3. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are



breaking up/removing materials from the site).

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

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

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

adjustments as those Authorities may deem necessary.

- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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

### 4. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security 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 Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed

with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### **5. Stormwater Drainage Disposal**

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifying Authority prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

### **6. Boundary Identification Survey**

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

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

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

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

### **7. Compliance with Standards**

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

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

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

**8. External Finishes to Roof**

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

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**9. 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 Certifying Authority.

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

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

**10. Stormwater Drainage Disposal Certification**

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Certifying Authority prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website. The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior

to the issue of final Occupation Certificate.

Reason: To ensure satisfactory management of stormwater.

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

**Signed**



**Nick Keeler, Planner**

The application is determined on 04/06/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**