

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0856
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Responsible Officer:	Adam Urbancic
Land to be developed (Address):	Lot 11 DP 233077, 76 Alameda Way WARRIEWOOD NSW 2102
Proposed Development:	Alterations and additions to a dwelling house
Zoning:	E4 Environmental Living
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Eva Bartoll Navas Patrick John Fairweather Michael Patrick Fairweather
Applicant:	Eva Bartoll Navas

Application Lodged:	04/08/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	12/08/2020 to 26/08/2020
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 98,000.00
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PROPOSED DEVELOPMENT IN DETAIL

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

- demolition of the existing decks on the north-eastern and south-western sides of the dwelling house;
- demolition of the existing shed;
- removal of the existing pool safety fencing;
- construction of a new deck on the south-eastern and south-western sides of the dwelling house;
- construction of a new covered deck on the north-eastern side of the dwelling house;
- internal reconfiguration works to the ground floor of the dwelling house to create an ensuite and

two (2) built-in wardrobes to service the master bedroom, new built-in robes to service an existing bedroom, a separate bathroom, a laundry and an open-planned kitchen;

- installation of new stacker doors to replace the existing windows to the lounge room on the south-eastern and south-western elevations of the dwelling house;
- installation of a new hinged door and window to replace the existing window to the kitchen on the north-western elevation of the dwelling house;
- extension of the existing pathway leading from the driveway to the front patio; and
- installation of new pool safety fencing.

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 - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - D14.3 Building colours and materials

Pittwater 21 Development Control Plan - D14.7 Front building line

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

Pittwater 21 Development Control Plan - D14.13 Landscaped Area - Environmentally Sensitive Land

SITE DESCRIPTION

Property Description:	Lot 11 DP 233077 , 76 Alameda Way WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the corner of the north-eastern side of Alameda Way and the north-western side of Iramir Place.</p> <p>The site is irregular in shape with a primary frontage of 22.42m (including the corner splay) along Alameda Way, a secondary frontage of 20.73m along Iramir Place and an</p>

average depth of 33.08m. The site has a surveyed area of 703.9m².

The site is located within the E4 Environmental Living zone and accommodates a two (2) and three (3) storey brick and timber dwelling house with a tiled roof located centrally on the site, along with a swimming pool within the frontage to Iramir Place and a detached metal shed located on the north-western side of the dwelling house.

The site has an overall slope of 20.17% and falls 8.47m from the northern corner of the site to the southern corner of the site.

The site contains four (4) small trees, medium to high shrubs and ground-cover vegetation within garden beds across the site.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by two (2) to three (3) storey dwelling houses of varying architectural styles within a landscaped setting.

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:

19 March 1968

Building Application A273/68 for the erection of a dwelling was lodged with Council. Based on Council's

records, it is unclear if and when this application was granted consent.

29 November 1972

Building Application A1300/72 for the erection of a carport was granted consent.

20 August 1975

Building Application A705/75 for the erection of additions was granted consent.

8 March 1976

Building Application A214/76 for the erection of additions was granted consent.

15 December 1980

Building Application 4461/80 for the erection of additions was granted consent.

25 February 1982

Building Application 434/82 for the erection of a swimming pool was granted consent.

9 May 1990

Building Application 921/90 for the erection of additions was granted consent.

28 November 2019

Development Application DA2019/0854 for alterations and additions to a dwelling house was withdrawn based on the existence of unauthorised decks on both the north-eastern and south-western elevations, and the subsequent deficiency in the provision of landscaped area on the site.

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	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)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration'	Comments
with the EPA Act or EPA Regs	
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 12/08/2020 to 26/08/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

REFERRALS

Internal Referral Body	Comments
Landscape Officer	The plans indicate that no significant landscape features are affected by the proposed works. No objections are raised to approval subject to conditions as recommended.
NECC (Development Engineering)	No objections to approval subject to conditions as recommended.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that there are no Ausgrid assets present near the proposed development, therefore, no conditions of consent are required to be imposed.

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 (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted with the application (see Certificate No. A384706, dated 29 July 2020).

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

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 there are no Ausgrid assets present near the proposed development, therefore, no conditions of consent are required to be imposed.

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	7.6m	N/A	Yes

Compliance Assessment

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

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation ¹	Complies
Front building line	6.5m (Alameda Way)	4.94m to Deck	24% (1.56m)	No
		8.03 to Dwelling House	N/A	Yes
	3.25m (Iramir Place)	1m to Swimming Pool Coping	N/A	N/A (as existing)
		5.99m to Deck	N/A	Yes
		9.33m to Dwelling House	N/A	Yes
Rear building line ²	6.5m	N/A	N/A	N/A
Side building line	2.5m (NW)	3.53m to Deck	N/A	Yes
		6.7m to Covered Deck	N/A	Yes
	1m (NE)	0.9m to Covered Deck	10% (0.1m)	No
Building envelope	3.5m (NW)	Within envelope	N/A	Yes
	3.5m (NE)	Within envelope	N/A	Yes
Landscaped area	60% (422.34m ²)	27.82% (195.86m ²)	53.63% (226.48m ²)	No

Notes:

- The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)
- Based on the relationship between the north-western and north-eastern lot boundaries and the adjoining sites, it is taken that these boundaries are side boundaries and that the subject site does not have a rear boundary.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.1 Landslip Hazard	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
B5.7 Stormwater Management - On-Site Stormwater Detention	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 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
C1.12 Waste and Recycling Facilities	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	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	No	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	Yes	Yes
D14.13 Landscaped Area - Environmentally Sensitive Land	No	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

Description of non-compliance

The proposed development maintains one (1) off-street parking space within the existing garage.

The control requires a minimum of two (2) parking spaces for a dwelling house of 2 bedrooms or more.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *An adequate number of parking and service spaces that meets the demands generated by the development.*

Comment

The proposed development retains the existing single off-street parking space located within the garage on the site, meaning that there will be no change to the existing provision of parking on the site. The proposed development maintains the same amount of bedrooms within the dwelling house, being five (5) bedrooms, so it is therefore considered that there is an adequate number of parking spaces to meet the demands generated by the development.

- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

Comment

The proposed development provides functional parking within the garage, which does not result in any additional hard surface area on the site, therefore minimising rainwater runoff and adverse visual and environmental impacts, while maximising pedestrian and vehicle safety.

- *Safe and convenient parking.*

Comment

The proposed development provides safe parking within the subject site, which is also convenient in terms of its location close to the primary entry point to the dwelling house.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D14.3 Building colours and materials

Description of non-compliance

The Schedule of Colours and Materials submitted with the development application indicates that the brick columns and gable end are to be finished to match the colour of the existing building, which is painted in a light grey tone.

The control requires external colours and materials to be dark and earthy tones and states that white, light coloured, red or orange walls are not permitted.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Achieve the desired future character of the Locality.*
Comment
The proposed development is consistent with the desired future character of the Warriewood Locality.
- *The development enhances the visual quality and identity of the streetscape. (S)*
Comment
The streetscapes of Alameda Way and Iramir Place do not conform to a consistent colour scheme and generally consist of dwelling houses with lighter toned external walls, therefore, the proposed development enhances the visual quality and identity of the streetscapes by matching the existing character.
- *To provide attractive building facades which establish identity and contribute to the streetscape.*
Comment
The proposed development provides attractive building facades through the addition of a new deck on the south-western and south-eastern sides of the building, which establish identity and contribute to the streetscapes of Alameda Way and Iramir Place.
- *To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.*
Comment
The proposed building colours and materials compliment the visual character of the location within the natural landscapes of Pittwater by matching the lighter colours within the streetscape.
- *The colours and materials of the development harmonise with the natural environment. (En, S)*
Comment
Although the proposed colour to the external walls is lighter toned, it is considered that the proposed development is in harmony with the natural environment.
- *The visual prominence of the development is minimised. (S)*
Comment
The proposed development maintains the existing external wall colour, which is compatible with the streetscapes of Alameda Way and Iramir Place, therefore, the visual prominence of the development is minimised.
- *Damage to existing native vegetation and habitat is minimised. (En)*
Comment
The proposed development minimises damage to native vegetation and habitat by retaining and enhancing the vegetation on the site.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D14.7 Front building line

Description of non-compliance

The proposed development provides a 4.94m setback from the primary frontage to Alameda Way to the proposed deck on the south-western elevation of the building.

The control requires a 6.5m front boundary setback from the primary frontage.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development is consistent with the desired future character of the Warriewood Locality.

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

Comment

The proposed development ensures the equitable preservation of views and vistas to and/or from both public and private places by including a new deck at the same level as the existing deck.

- *The amenity of residential development adjoining a main road is maintained. (S)*

Comment

The subject site adjoins local roads, therefore, this outcome is not applicable.

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

Comment

The proposed development retains all existing vegetation on the subject site, including the vegetation along the Alameda Way frontage, to visually reduce the built form when viewed from Alameda Way. A condition has been included requiring screen planting along the north-eastern and north-western boundaries to further enhance vegetation to reduce the visual impact of the built form when viewed from adjoining properties.

- *Vehicle manoeuvring in a forward direction is facilitated. (S)*

Comment

The proposed development will not change the existing arrangement for vehicle manoeuvring on the site.

- *To preserve and enhance the rural and bushland character of the escarpment and the locality. (En, S)*

Comment

The proposed development preserves and enhances the rural and bushland character of the escarpment and the locality by retaining all existing vegetation on the site. A condition has also been included requiring native shrub planting to further enhance vegetation on the site.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment

The proposed development enhances the existing streetscapes of Alameda Way and Iramir Place by incorporating a new deck on the south-western and south-eastern sides of the dwelling house and by also retaining the vegetated buffer along Alameda Way. The proposed development promotes a scale and density that is in keeping with the height of the natural environment by responding to the height of the surrounding tree canopy.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment

The proposed development encourages attractive street frontages by incorporating a new deck on the south-western and south-eastern sides of the dwelling house and by retaining the vegetated buffer along Alameda Way.

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

Comment

The proposed development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment by siting the proposed deck over existing hard surface areas.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D14.8 Side and rear building line

Description of non-compliance

The proposed development provides a 0.9m to the covered deck from the north-eastern side boundary.

The control requires a 2.5m setback to at least one side, and a 1.0m setback to the other side. Based on the compliance of the proposed development with the 2.5m setback requirement from the north-western side boundary, the 1.0m setback is taken to apply to the north-eastern side boundary.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

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

Comment

The proposed development is consistent with the desired future character of the Warriewood Locality.

- *The bulk and scale of the built form is minimised. (En, S)*

Comment

The proposed development incorporates a covered deck with open sides which ensures that the bulk and scale of the built form is minimised.

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

Comment

The proposed development includes a covered deck of minimal overall height to ensure the equitable preservation of views and vistas to and/or from both public and private places.

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

Comment

The proposed development encourages view sharing by siting the covered deck generally above the existing garage footprint and has been designed to respond to the site by ensuring that the roof over the deck is at a similar finished level to the existing dwelling house roof. The proposed landscaping, which is required to satisfy a condition of consent, is well-positioned

along the north-eastern and north-western boundaries to ensure that views are maintained.

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

Comment

The proposed development ensures a reasonable level of privacy, amenity and solar access is provided within the development site, and is also maintained to adjoining and surrounding residential properties, by providing adequate spatial separation between the proposed covered deck and the existing dwelling house at 78 Alameda Way.

- *Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

Comment

The proposed development retains all existing vegetation on the site, which although is not substantial, is sufficient in creating a landscaped setting for the dwelling. A condition has also been included requiring screen planting along the north-eastern and north-western boundaries to further enhance vegetation on the site. Furthermore, the proposed development provides attractive streetscapes by retaining the existing vegetation along Alameda Way and Iramir Place.

- *Flexibility in the siting of buildings and access. (En, S)*

Comment

The proposed development demonstrates flexibility in the siting of the covered deck and access by generally restricting the extent of the deck to the footprint of the existing garage.

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

Comment

The proposed development retains all existing vegetation on the subject site and a condition has been included requiring screen planting to be provided along the north-eastern and north-western boundaries to further enhance vegetation to reduce the visual impact of the built form when viewed from the street and adjoining properties.

- *To preserve and enhance the rural and bushland character of the locality. (En, S)*

Comment

The proposed development preserves and enhances the rural and bushland character of the Warriewood Locality by retaining all existing vegetation on the site. A condition has also been included requiring native shrub planting to be provided to further enhance vegetation on the site.

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

Comment

The subject site is located within an environment protection zone, and is surrounded by residential and environment protection zoned land, therefore, this outcome is not applicable.

Based on the above, Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

D14.13 Landscaped Area - Environmentally Sensitive Land

Existing Landscaped Area: 24.82% or 174.73m²

Required Landscaped Area: 60% or 422.34m²

Proposed Landscaped Area: 27.82% or 195.86m²

Proposed Landscaped Area (with variations): 34.65% or 243.89m²

The proposed landscaped area on the site does not meet the 60% requirement of this control, however, the landscaped open space currently provided on the site is also deficient of this requirement and the proposed development seeks to increase the amount of landscaped area on the site, as outlined in the above calculations.

Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *Achieve the desired future character of the Locality. (S)*
Comment
 The proposed development is consistent with the desired future character of the Warriewood Locality.
- *The bulk and scale of the built form is minimised. (En, S)*
Comment
 The proposed development incorporates new decks of a generally open design and creates new landscaped buffers along the north-eastern and north-western boundaries to ensure that the bulk and scale of the built form is minimised.
- *A reasonable level of amenity and solar access is provided and maintained. (En, S)*
Comment
 The proposed development ensures that a reasonable level of amenity and solar access is provided and maintained within the subject site, and also to adjoining and surrounding properties, by appropriately siting the development and by providing adequate spatial separation between the proposed decks and the adjoining dwelling houses.
- *Vegetation is retained and enhanced to visually reduce the built form. (En)*
Comment
 The proposed development retains all existing vegetation on the subject site and a condition has been included requiring screen planting to be provided along the north-eastern and north-western boundaries to ensure that the visual impact of the built form is reduced when viewed from the street and adjoining properties.
- *Conservation of natural vegetation and biodiversity. (En)*
Comment
 The proposed development conserves natural vegetation and biodiversity within the subject site by retaining and enhancing vegetation on the site.
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
Comment
 The proposed development increases the provision of landscaped area on the site through the reduction in the size of the proposed deck on the north-eastern side of the dwelling house when compared to the existing deck and through the removal of part of the concrete on the north-western side of the dwelling house, therefore, stormwater runoff is reduced from an overall site perspective, preventing soil erosion and siltation of natural drainage channels.
- *To preserve and enhance the rural and bushland character of the area. (En, S)*
Comment
 The proposed development preserves and enhances the rural and bushland character of the area by retaining all existing vegetation on the site. A condition has also been included requiring

native shrub planting along the north-eastern and north-western boundaries to further enhance vegetation on the site.

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

Comment

As above, the proposed development maximises soft surface areas on the site by reducing the size of the proposed deck on the north-eastern side of the dwelling house and by removing a portion of the existing concrete on the north-western side of the dwelling house, therefore providing for the infiltration of water to the water table, minimising run-off and assisting with stormwater management. Council's Development Engineer has also reviewed the application and is satisfied with the proposed development, subject to conditions.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

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 DA2020/0856 for Alterations and additions to a dwelling house on land at Lot 11 DP 233077, 76 Alameda Way, WARRIEWOOD, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
19035-1, Proposed Ground Floor Alteration Plan, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-2, Proposed Deck Plan, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-3, Existing Lower Grd. Floor Plan, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-4, South East Elevation/North-East Elevation, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-5, Site Plan, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-6, South West Elevation/North West Elevation, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-7, Section A-A, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-8, Section B-B, Rev A	22 June 2020	Alinea Dzine Pty Ltd
19035-9, Section C-C, Rev A	22 June 2020	Alinea Dzine Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate (Cert No. A384706)	29 July 2020	Eva Bartoll Navas
Geotechnical Assessment (Project No.	26 August	Crozier Geotechnical

2019-137)	2019	Consultants
Schedule of Colours and Materials	Undated	Unknown

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:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Report	Undated	Unknown

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 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

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).

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

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

5. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's PITTWATER DCP21. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional

flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

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

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report, prepared by Crozier Geotechnical Consultants and dated 26 August 2019, are to be incorporated into the construction plans.

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

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

Reason: To ensure geotechnical risk is mitigated appropriately.

7. **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.

8. **Compliance with Standards**

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

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

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

9. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>

- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. Tree protection

- (a) Existing trees which must be retained
 - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
 - ii) Trees located on adjoining land
- (b) Tree protection
 - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
 - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - iv) All tree pruning within the subject site is to be in accordance with relevant local planning controls and AS 4373 Pruning of amenity trees
 - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

12. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

13. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

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

14. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified civil engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

15. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

16. House / Building Number

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings.

17. Swimming Pool Requirements (existing pool modified by works)

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008;
 - (iv) Australian Standard AS1926 Swimming Pool Safety;
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools;
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (b) A warning sign stating **'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING**

THIS POOL' has been installed.

(c) All signage shall be located in a prominent position within the pool area.

Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life.

18. Required Planting

Screen planting comprising native shrub planting capable of attaining 3 metres in height at maturity, installed no more than 1.5 metres apart and planted at a minimum 25 litre pot size is to be provided along the north-eastern boundary for the length of the proposed covered deck and also along the north-western boundary for the length of the existing covered concrete area.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To reduce the visual impact of the proposed development and to enhance native vegetation on the site.

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

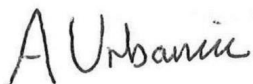
19. No Approval for Existing Works

This consent does not regularise any existing works/structures on the site, as shown on the approved plans.

Reason: To ensure that this consent grants approval only for future works and is consistent with the proposed development.

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

Signed



Adam Urbancic, Planner

The application is determined on 22/09/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments