



DEVELOPMENT ASSESSMENT REPORT

Planner:	Kelsey Wilkes
Address / Property Description:	Lot 1108 DP 752038 87 Wearden Road FRENCHS FOREST Installation of a rain water tank
Development Application No:	DA2020/1183
Application Lodged:	29/09/2020
Plans Reference:	18904A, Revision 00, Site Plan and Elevation
Applicant:	Joseph James Earl
Owner:	H J Earl, J J Earl
Locality:	Warringah LEP2000 - B2 Oxford Falls Valley
Category:	Category Two
Land and Environment Court Action:	N/A

SUMMARY

Submissions:	Nil
Submission Issues:	N/A
Assessment Issues:	N/A
Recommendation:	Approval
Attachments:	N/A



Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan and CPP. As a result, the application was notified to # adjoining land owners and occupiers for a period of 14 calendar days and a notice was placed upon the site.

SITE DESCRIPTION

The subject site is located on the southern side of Wearden Road and has a site area of 20360sqm. The site currently accommodates an existing single storey dwelling, detached garage, in-ground swimming pool and garden sheds. Landscaping on site is characterised by native and non-native canopy trees, rock outcrops and cleared grass areas. Adjoining and surrounding development includes rural residential properties and outdoor recreation centres.

SITE HISTORY

DA2004/1402

Development Application for concept plan for senior's retirement living development and construction of stage one was refused on 22 March 2005.

DA6000/6926

Development Application for a swimming pool with associated landscaping and shade structure was approved on 15 May 1998.

PROPOSED DEVELOPMENT

This application seeks consent for the installation of a metal water tank measuring 3.5 metres in diameter and 3.1 metres in height with a capacity of 25,932 litres. The tank is proposed to be located within the north western portion of the site.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2000.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to adjoining land owners and occupiers for a period of 14 calendar days and a notice was placed upon the site.

No submissions were received as a result of the public exhibition process.

REFERRALS

Internal Referrals

Referral Body	Comments
NECC Busland and Biodiversity	<p>The proposal to install a rainwater tank, including native landscaping has been assessed against the objectives and requirements of WLEP 2000. The location of the new water tank is on managed land and therefore has no impact on the natural landscape. Furthermore, indigenous native plants will be grown on the mound in front of the tank thus enhancing the natural landscape.</p> <p>The proposed development is unlikely to have a significant impact to the environment, and will retain distinctive environmental features, protect existing flora and will protect Koala habitat.</p>

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the</p>

Section 79C 'Matters for Consideration'	Comments
	<p>fire safety upgrade of development. This matter has been address via a condition of consent.</p> <p>Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval.</p>
Section 79C (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) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 79C (1) (c) – the suitability of the site for the development	<p>The site is considered un/suitable for the proposed development.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>See discussion on “Public Exhibition” in this report.</p>
Section 79C (1) (e) – the public interest	<p>No matters have arisen that would justify the refusal of the application in the public interest.</p>

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 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.

State Environmental Planning Policy - BASIX

A BASIX certificate is not required to be submitted with the subject application.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained."

The proposed development is defined as "Housing" (ancillary to a dwelling house) under the WLEP 2000 dictionary. "Housing" is identified as a Category Two land use in this locality.

CATEGORY 2 DEVELOPMENT

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality's DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

Requirement: *"Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway."*

Comment: The proposal is for a rainwater tank. The development will maintain the low intensity and low impact use of the site. The development is not located on a ridgetop or in place visible from Narrabeen Lagoon or Wakehurst Parkway.

Requirement: *"The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged."*

Comment: The proposed rainwater tank is located over existing lawn does not involve the removal of any indigenous vegetation nor does involve excavation that will unreasonably disrupt the topographical features of the site. Furthermore, 95.5% of the site will be retained as landscaped open space and materials used will be compatible with relevant Bushfire requirements.

Requirement: *"A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape. Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained"*

Comment: The site does not adjoin Forest Way, Wakehurst Parkway or Narrabeen Lagoon.

As detailed above the proposed development is considered to be consistent with the Locality's DFC statement.

Principal Development Standards:

Development Standard	Required	Proposed	Complies
Height of Buildings:	8.5	3.1	Yes

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table			
Built Form Standard	Required	Proposed	Compliance
Front building setback	20m	30.5m	Yes
Rear and side building setback	10m	27.94m	Yes
Landscaped open space	30% of site area or 6,108sqm	95.5% or 19,445.7sqm	Yes

The proposed development is considered to satisfy the Locality's Built Form Controls, accordingly, no further assessment will be provided in this regard.

1 General Principles Of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	Yes	While the materials used for the structure may result in a level of glare and reflection, it is considered that the setback of the tank and sufficient vegetation screening will ensure this does not result in any unreasonable or adverse impact when viewed from the streetscape or adjoining properties.	Yes
CL39 Local retail centres	No	N/A	N/A
CL40 Housing for Older People and	No	N/A	N/A

General Principles	Applies	Comments	Complies
People with Disabilities			
CL41 Brothels	No	N/A	N/A
CL42 Construction Sites	Yes	Conditions of consent will ensure that the construction of the rainwater tank will not unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.	Yes
CL43 Noise	Yes	<i>The location of the site and proposed use of the site is unlikely to result in any unreasonable noise impacts.</i>	Yes
CL44 Pollutants	No	N/A	N/A
CL45 Hazardous Uses	No	N/A	N/A
CL46 Radiation Emission Levels	No	N/A	N/A
CL47 Flood Affected Land	No	N/A	N/A
CL48 Potentially Contaminated Land	No	N/A	N/A
CL49 Remediation of Contaminated Land	No	N/A	N/A
CL49a Acid Sulfate Soils	No	N/A	N/A
CL50 Safety & Security	No	N/A	N/A
CL51 Front Fences and Walls	No	N/A	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	N/A	N/A
CL53 Signs	No	N/A	N/A

General Principles	Applies	Comments	Complies
CL54 Provision and Location of Utility Services	Yes	<i>The proposal will not impact provision and location of utility services.</i>	Yes
CL55 Site Consolidation in 'Medium Density Areas'	No	N/A	N/A
CL56 Retaining Unique Environmental Features on Site	Yes	<i>The proposal will not unreasonably detract from any unique features of the site.</i>	Yes
CL57 Development on Sloping Land	No	N/A	N/A
CL58 Protection of Existing Flora	No	N/A	N/A
CL59 Koala Habitat Protection	No	N/A	N/A
CL60 Watercourses & Aquatic Habitats	No	N/A	N/A
CL61 Views	Yes	<i>The proposal will not impact on view sharing.</i>	Yes
CL62 Access to sunlight	Yes	<i>The proposal will not result in overshadowing to neighbouring properties or unreasonably overshadow the subject site.</i>	Yes
CL63 Landscaped Open Space	Yes	<i>Compliant LOS is provided.</i>	Yes
CL63A Rear Building Setback	Yes	<i>Complies</i>	Yes
CL64 Private open space	Yes	<i>Complies</i>	Yes
CL65 Privacy	Yes	<i>Given the development is for a rainwater tank, the proposal will not impact on privacy.</i>	Yes
CL66 Building bulk	Yes	<i>The proposal does not present unreasonable bulk and scale.</i>	Yes
CL67 Roofs	No	N/A	N/A
CL68 Conservation of Energy and Water	Yes	<i>The proposal will facilitate the efficient use of water and energy.</i>	Yes

General Principles	Applies	Comments	Complies
CL69 Accessibility – Public and Semi-Public Buildings	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL70 Site facilities	<i>Yes</i>	<i>The proposal will not affect the subject site's ability to provide essential services.</i>	<i>Yes</i>
CL71 Parking facilities (visual impact)	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL72 Traffic access & safety	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL73 On-site Loading and Unloading	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL74 Provision of Carparking	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL75 Design of Carparking Areas	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL76 Management of Stormwater	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL77 Landfill	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL78 Erosion & Sedimentation	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL79 Heritage Control	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL81 Notice to Heritage Council	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL82 Development in the Vicinity of Heritage Items	<i>No</i>	<i>N/A</i>	<i>N/A</i>
CL83 Development of Known or Potential	<i>No</i>	<i>N/A</i>	<i>N/A</i>

General Principles	Applies	Comments	Complies
Archaeological Sites			

CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the Recommendation.

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council.

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

RECOMMENDATION

APPROVAL

THAT Council as the consent authority grant Development Consent to DADA2020/1183 for Alterations and Additions, Dwelling House on land at 87 Wearden Road FRENCHS FOREST subject to the attached conditions of consent.

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Date

13 November 2020

Kelsey Wilkes, Planner



13/11/20

Date

Rodney Piggott, Planning Assessment Manager

Right-click to sign
with CoSign 