

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0007
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 3 DP 30836, 21 Sydney Road WARRIEWOOD NSW 2102
Proposed Development:	Alterations and additions to a dwelling house including secondary dwelling
Zoning:	R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	Yes
Applicant:	Trudi Jane Beresford
Application Lodged:	26/02/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - New second occupancy
Notified:	01/03/2024 to 15/03/2024
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 224,400.00

PROPOSED DEVELOPMENT IN DETAIL

Development application for alterations and additions to a dwelling house including secondary dwelling. Specifically, the works include:

- Construction of a secondary dwelling with a mezzanine level.
- Construction of double carport with new driveway.
- Internal alterations to ground floor.
- Changes to windows and doors as indicated on the elevations.
- Associated landscaping works, including front fence.

AMENDED PLANS

Following a preliminary assessment of the application, Council issued an RFI to the applicant on 26 March 2024, outlining concerns with the application.

The concerns related to building height, landscape area, amenity and streetscape.

The applicant lodged amended plans to address the concerns on 10 May 2024.

The amended plans incorporated the following changes:

- Reducing the secondary dwelling height to 5.0 metres.
- Demolition of the existing rear shed and deck.
- Removal of front roller door and works along the northern boundary.
- Reduction of driveway width.
- Reinstatement of landscaped areas across the site.

On assessment of the amended plans, Council advised the applicant that the proposed height of the secondary dwelling was still of concern. The applicant lodged further amended plans on 4 July 2024 to address this concern.

Specifically, the amended plans included the following changes:

- Reduced secondary dwelling ridge height by a further 0.565mm, from RL22.277 to RL21.715.
- Deleted secondary dwelling windows SD.W2, SD.W3 and SD.W4.
- The amended plans also corrected the erroneous RLs noted on the elevation and section plans in relation to the secondary dwelling.

Community Participation Plan

The proposed amendments will have a reduced environmental impact on the adjoining properties when compared to the original proposal. Therefore, formal re-notification is not required in accordance with Northern Beaches Community Participation Plan.

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 - A4.14 Warriewood Locality
 Pittwater 21 Development Control Plan - C1.1 Landscaping
 Pittwater 21 Development Control Plan - C1.4 Solar Access
 Pittwater 21 Development Control Plan - C1.5 Visual Privacy
 Pittwater 21 Development Control Plan - C1.6 Acoustic Privacy
 Pittwater 21 Development Control Plan - D14.8 Side and rear building line
 Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 3 DP 30836 , 21 Sydney Road WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site is known as 21 Sydney Road, Warriewood</p> <p>The site falls within the R2 Low Density Residential zone pursuant to the Pittwater Local Environmental Plan 2014.</p> <p>The site is regular in shape with a street frontage of 15.24m, a depth of 41.15m and an overall surveyed area of 627.1m².</p> <p>The site presently accommodates a two storey dwelling house and in-ground swimming pool.</p> <p>Surrounding properties consist of other detached dwelling houses of varying age, size and construction.</p>

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

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	See discussion on "Environmental Planning Instruments" in this report.

Section 4.15 Matters for Consideration	Comments
environmental planning instrument	
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended plans.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 01/03/2024 to 15/03/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Philip Alexander Self	19 Sydney Road WARRIEWOOD NSW 2102
Mr Alan James Ginns	23 Sydney Road WARRIEWOOD NSW 2102

The following issues were raised in the submissions:

- Height
- Overshadowing
- Privacy
- Air flow
- Traffic
- Landscaping

- **Works on the boundary**

The above issues are addressed as follows:

- **Height**

The submissions raised concerns that the proposed secondary dwelling's height is excessive and results in unacceptable visual impacts.

Comment:

The proposal has been amended to remove the first floor of the secondary dwelling and lower the overall height of the structure by 1.867m relative to the submitted proposal. The amended proposal is not considered to be excessive in scale or likely to result in any adverse visual impact.

This matter does not warrant the refusal of this application.

- **Overshadowing**

The submissions raised concerns that the proposed secondary dwelling will give rise to unacceptable overshadowing impacts.

Comment:

An assessment of the application against C1.4 Solar Access of the Pittwater DCP reveals that it meets the requisite provisions for solar access and does not unreasonably overshadow adjoining properties. Additionally, the reduction in height as amended will further improve solar access to the southern property.

This matter does not warrant the refusal of the application.

- **Privacy**

The submissions raised concerns that the proposed development will result in adverse visual and aural privacy impacts for the surrounding residents.

Comment:

The above-mentioned privacy impacts have been discussed in further detail in parts 'C1.5 Visual Privacy' and 'C1.6 Acoustic Privacy' of this report. In summary, the proposal will maintain acceptable privacy between buildings.

This matter does not warrant the refusal of the application.

- **Airflow**

The submissions raised concerns that the proposal will unreasonably restrict airflow to adjoining properties.

Comment:

The proposal, as amended, is of minimal scale and is not expected to unreasonably affect neighbouring amenity relating to airflow and ventilation.

This matter does not warrant the refusal of the application.

- **Traffic**

The submissions raised concerns that the secondary dwelling will give rise to unacceptable traffic generation.

Comment:

Secondary dwellings are permissible within the locality and across NSW in certain residential zones (R1 to R5) under the State Environmental Planning Policy (Housing) 2021. The subject site is sized at 627.1m², while the proposed secondary dwelling includes a floor area of 16m², meeting the respective requirements of SEPP (Housing) 2021. In addition, the proposed development involves the reconstruction of a double carport that will provide the site off-street parking. In this regard, the proposal is sized appropriately in accordance with the relevant requirements and is not considered to result in adverse traffic impacts.

This matter does not warrant the refusal of this application.

- **Landscaping**

The submissions raised concerns that the proposal will adversely impact surrounding trees and includes insufficient landscaped area

Comment:

The Development Application includes a Arboricultural Impact Assessment (AIA), which has been reviewed by Council's Landscape Officer, who raised no issues with this aspect of the proposal. In addition, the amended proposal involves the reinstatement of landscape areas across the site resulting in a net increase upon the existing quantum.

This matter does not warrant the refusal of this application.

- **Works on the boundary**

The submissions raised concerns that the proposal involves works on the boundary.

Comment:

The applicant has provided amended plans that demonstrate that all works will be carried out within the subject site. Conditions have been recommended to ensure that the works are constructed in accordance with the approved details within the subject site.

This matter does not warrant the refusal of this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>Council's Landscape Referral section have assessed the application against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP (PDCP) controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; D14 Warriewood Locality.</p> <p>The application is for alterations and additions and a new secondary dwelling. It is noted that the property does not contain any prescribed trees and the landscape character consists of managed planting, lawn, paving and retaining walling.</p> <p>Landscape Referral remain of the opinion that the existing and proposed landscape areas are inadequate to achieve the intent of PDCP control C1.1. An updated Landscape Plan is submitted and highlights that the proposed widened driveway within the property emphasises that the PDCP control C1.1 for tree planting within the front setback is unachievable and only landscape area for shrub hedge planting is available. The Landscape Plan submitted provides further shrub hedge planting within the rear of the property as well as one suggested tree.</p> <p>Landscape Referral remain unsupportive and defer to the Assessing Planning Officer for determination. Should the Assessing Planning Officer consider merit in the proposal, landscape conditions have been provided.</p> <p>PLANNER COMMENT Planning is generally satisfied with the amended plans and recommended conditions, noting that:</p> <ul style="list-style-type: none"> • The secondary dwelling is single-storey, • The existing deck and shed in the rear will be demolished, • There is an additional planter in the frontage to provide a break between the pool area and driveway, • These changes result in a 5.7% (36sqm) increase to the landscaped area from the existing. <p>Overall, the amendments, although remaining non-compliant, will achieve an improved outcome when compared to the existing situation.</p>
NECC (Development Engineering)	<p>The submitted Architectural plans have been reviewed. The widened vehicle crossing is not supported due to potential loss of parking, pedestrian safety and increase in impervious area. Amended plans need to show retention of existing vehicle crossing or Council will accept a modified design with a 3.0 metre width on their kerb line increasing linearly to 4.0 metres on the property boundary.</p> <p>Engineering Comments 24.05.24 Amended Architectural plans have been provided showing reduced vehicle crossing width. Development engineering raises no objections to the proposed development, subject to conditions.</p>
External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>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.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

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

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

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

SEPP (Sustainable Buildings) 2022

A BASIX certificate has been submitted with the application (see Certificate No. 1731558S_03 dated 3 July 2024).

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

SEPP (Housing) 2021

Part 1 – Secondary Dwellings

Clause 52 – Development may be carried out with consent	
Standard	Compliance/Comment
(2) Development consent must not be granted for development to which this Part applies unless— a) No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and b) The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and c) The total floor area of the secondary dwelling is: i) no more than 60m ² , or ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument - the greater floor area.	Complies. No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and the proposed secondary dwelling has an internal floor area below 60m ² .

Clause 53 – Non-discretionary development standards—the Act, s 4.15	
Standard	Compliance/Comment
a) For a detached secondary dwelling - a minimum site area of 450m ² .	Complies. The site area is 627m ² .
b) The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	Complies. Two off-street parking spaces are maintained.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Pittwater Local Environmental Plan 2014

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

Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	3.6m (Carport) 4.4m (Secondary dwelling)	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.4 Controls relating to miscellaneous permissible uses	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	6.5m	9.2m (Carport)	N/A	Yes
Rear building line	6.5m	1.0m (Secondary dwelling)	84.6%	No
Side building line	2.5m - South	0.9m (Secondary dwelling)	64%	No
	1.0m - North	0.8m (Carport)	20%	No
Building envelope	3.5m - South	Within envelope	N/A	Yes
	3.5m - North	Within envelope	N/A	Yes
Landscaped area	50%	21.6% (135.4m ²)	56.8%	No

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	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	No	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
C1.11 Secondary Dwellings and Rural Worker's Dwellings	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	Yes	Yes
D14.7 Front building line	Yes	Yes
D14.8 Side and rear building line	No	Yes
D14.11 Building envelope	Yes	Yes
D14.12 Landscaped Area - General	No	Yes
D14.15 Fences - General	Yes	Yes
D14.17 Construction, Retaining walls, terracing and undercroft areas	Yes	Yes

Detailed Assessment

A4.14 Warriewood Locality

The Desired Future Character (DFC) of the locality is detailed within Clause A4.14 Warriewood Locality as follows:

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. **Secondary Dwellings can be established in conjunction with another dwelling to encourage additional**

opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

(Note: Bold emphasis added to the most relevant sections)

Comment:

The proposed secondary dwelling has a maximum building height of 4.4 metres and occupies a minimal proportion of the rear setback area. The siting, scale, landscape setting and environmental impacts of the secondary dwelling are consistent with those envisaged within the DFC statement. The proposal is therefore supported.

C1.1 Landscaping

Under Clause C1.1 Landscaping of Pittwater 21 Development Control Plan, the following requirements apply:

The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: 60% for a single dwelling house.

The existing site presents a non-compliance with the requirements detailed above, with a total of 19.7% (19.5m²) out of the front setback area of 99m². The proposal presents reinstatement of landscaping with an addition of 0.3m², presenting a total of 20% (19.8m²).

In this instance, as the existing site is non-compliant, it is considered that the additional landscaping will present a slight improvement upon the existing situation, and therefore no further assessment is required.

C1.4 Solar Access

Compliance with control

Concern is raised that the proposal will give rise to adverse overshadowing impacts to the adjoining property to the south.

The control stipulates that a minimum of 50% of the required area of private open space of adjacent dwellings must receive at least 3 hours of sunlight between 9am and 3pm on June 21.

These diagrams illustrate the projected shadows from the proposed development on the site and neighboring properties, confirming that the private open space to the south reasonably receives existing sunlight between 9am and 3pm on June 21, with only minor overshadowing occurring at 12pm.

C1.5 Visual Privacy

The received submission indicates that the proposal will give rise to unacceptable privacy impacts, specifically, overlooking from the secondary dwelling toward the northern neighbour.

Merit consideration

The development is considered against the underlying objectives of the control as follows:

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

Comment:

The secondary dwelling is set back 10.9 metres from the northern side boundary and approximately over 20.0 metres from the adjoining dwelling. Overall, the proposed secondary dwelling has been appropriately designed to prevent any significant visual privacy impacts, given the generous building separation, and additional landscaping along the northern side boundary.

All other windows and openings are considered to be acceptable and will not result in unreasonable impacts to the privacy of adjacent properties. It is not recommended to incorporate additional privacy treatment.

- *A sense of territory and safety is provided for residents.*

Comment:

It is assumed the sense of territory and safety will be provided for residents.

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, subject to conditions, in this particular circumstance.

C1.6 Acoustic Privacy

Concern was raised in the submission in relation to the proposed secondary dwelling, and acoustic privacy.

Merit consideration

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

- *Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.*

Comment:

It is considered that any potential noise from the secondary dwelling would not result in any adverse impacts beyond what is expected within a

low-density residential zone. The distance from secondary dwelling to nearby private open space is acceptable would not lead to adverse acoustic impacts.

- *Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas.*

Comment:

It is considered that any noise from proposal would not constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* as a result of the suitable separation from the proposed development, and adjoining development to the west.

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, subject to conditions, in this particular circumstance.

D14.8 Side and rear building line

Description of non-compliance:

Clause D14.8 of the Pittwater 21 DCP requires development be setback at least 6.5m from the rear boundary, 1.0 metre from the northern side boundary and 2.5 metres from southern boundary.

The development proposes the following non-compliance:

- North setback - 0.8 metres (Carport)
- South setback - 0.9 metres (Secondary dwelling)
- Rear setback - 1.0 metre (Secondary dwelling)

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.*

Comment:

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

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

Comment:

The amended proposal ensures that the secondary dwelling remains a single-storey development with an acceptable bulk and scale. The proposed carport is an open sided structure and will not give rise to any adverse building bulk.

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

Comment:

The proposal will not result in the loss of views.

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

Comment:

The proposed works are appropriately sited in relation to the preservation of views.

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

Comment:

The proposal is considered to provide adequate spatial separation between adjoining buildings. The application has demonstrated that it will not have an unreasonable impact on solar access, with adjoining properties maintaining solar access in accordance with DCP requirements. Privacy concerns have been addressed in detail elsewhere in this report (refer to Clause C1.5), and it is concluded that no unreasonable privacy impacts will result from the development. Furthermore, the proposal, as amended results in a significant reduction in height, which in addition to the reinstated landscaped areas across the site, will minimise the visual impact on the adjoining neighbour and help preserve residential amenity.

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

Comment:

The proposed carport is set back 9.1 metres from the front boundary, and the frontage features an enhanced landscaping design. The proposal creates visual interest within the streetscape through selective materials and a well-designed built form that is integrated with the existing landscape character.

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

Comment:

As discussed earlier in the report, the amended secondary dwelling is appropriately designed for its siting within the rear setback, providing reasonable flexibility for the siting of buildings while preserving neighbouring amenity.

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

Comment:

The proposal reinstates adequate landscaping around the site, which will assist in minimising the visual impact of the works, when viewed from adjoining public and private spaces.

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

Comment:

The reduced side setbacks will not prevent the establishment of any trees and landscape features, as the works will largely be completed above built upon areas, thereby preserving the bushland character of the escarpment and the locality.

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

Comment:

The subject site is located within, and is surrounded by, residential zones, therefore, this outcome is not applicable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant outcomes of the PDCP and the objectives specified in section 1.3(a) 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

It is noted that the subject site exhibits an existing numerical non-compliance of 15.8% (99m²). The required landscaped area pursuant to Clause D14.12 of the DCP is 50%. The proposed development involves the reinstatement of landscape areas across the site and involves a net increase of landscaping up to 21.6% (135.4m²). In this instance, as the existing site is non-compliant, it is considered that the additional landscaping will present an improvement upon the existing situation, and therefore no further assessment is required.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$2,244 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$224,400.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2024/0007 for Alterations and additions to a dwelling house including secondary dwelling on land at Lot 3 DP 30836, 21 Sydney Road, WARRIEWOOD, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA1.06	C	Ground Floor Plan	Stirling & Andie	2 July 2024
DA1.07	D	First Floor Plan	Stirling & Andie	2 July 2024
DA1.08	C	Roof Plan	Stirling & Andie	2 July 2024
DA1.09	D	North & South Elevations	Stirling & Andie	2 July 2024
DA1.10	D	Elevations Rear, Front and Studio	Stirling & Andie	2 July 2024
DA1.11	D	Sections	Stirling & Andie	2 July 2024
DA1.13	C	Proposed Landscape Plan	Stirling & Andie	2 July 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Assessment Report	-	Hugh The Arborist	3 November 2023
BASIX Certificate			
Waste Management Plan	-	Listed applicant	-

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

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	27 February 2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. No Approval for Works on the Boundary

No approval is granted or implied under this Development Consent for any works on the northern side boundary, including any new fencing.

Reason: To ensure compliance with the relevant Local Environmental Plan.

4. Prescribed Conditions

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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);
- 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:
 - showing the name, address and telephone number of the Principal Certifier for the work, and
 - 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
 - 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.
- Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - 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 Certifier 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.

5. General Requirements

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - o 7.00 am to 5.00 pm inclusive Monday to Friday,
 - o 8.00 am to 1.00 pm inclusive on Saturday,
 - o No work on Sundays and Public Holidays.
 Demolition and excavation works are restricted to:
 - o 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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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 sewerred areas or managed on-site in unsewerred 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

6. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$2,244.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$224,400.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. Security Bond

A bond (determined from cost of works) of \$2,000 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 Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8. 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 Water Management for Development Policy. Stormwater shall be conveyed from the site to the street. Details by an appropriately qualified and practicing Civil or Hydraulic Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with Council's policy are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

9. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres wide on the kerbline and a maximum of 4.5 metres wide on the property boundary in accordance with Northern Beaches Council Standard Drawing A4 3330/2 NH in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

10. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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 ensure no substance other than rainwater enters the stormwater system and waterways.

11. 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 Certifier prior to the issue of the Construction Certificate.

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

12. External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier 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.

13. 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 Certifier demonstrating the works are in compliance with Sydney Water requirements.

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

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

DURING BUILDING WORK

14. 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.

15. 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 Certifier when the external structure of the building is complete.

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

16. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

17. **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To maintain the existing profile of the nature strip/road reserve.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

18. **Landscape Completion**

Landscape works are to be implemented in accordance with the Landscape Plan, and inclusive of the following conditions:

- a) landscape works are to be contained within the legal property boundaries,
- b) tree, shrub and groundcover planting shall be installed as indicated on the Landscape Plan, unless otherwise imposed by conditions,
- c) two (2) locally native trees shall be planted within the rear of the property at a minimum pre-ordered planting size of 75 litres; selected from Northern Beaches Council's Native Plant Species Guide - Narrabeen Ward, or Council's Tree Guide; to achieve at least 6.0 metres height at maturity; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings and other trees or more, at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- d) mass planting shall be installed at minimum 1metre intervals for shrubs of a minimum 200mm container size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

19. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

20. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

21. **Reinstatement of Kerb**

The Applicant shall reinstate all redundant laybacks and vehicular crossings to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces.

22. **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 2018;
 - (iv) Australian Standard AS1926 Swimming Pool Safety;
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools;
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (b) A 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.

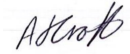
Swimming pools and spas must be registered with the *Division of Local Government*.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

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

Signed



Kye Miles, Planner

The application is determined on 08/07/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments