

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                                           |                                                                            |
|-------------------------------------------|----------------------------------------------------------------------------|
| <b>Application Number:</b>                | DA2019/0042                                                                |
| <b>Responsible Officer:</b>               | Kelsey Wilkes                                                              |
| <b>Land to be developed (Address):</b>    | Lot 7 DP 242615, 13 Woolrych Crescent DAVIDSON NSW 2085                    |
| <b>Proposed Development:</b>              | Construction of a swimming pool                                            |
| <b>Zoning:</b>                            | Warringah LEP2011 - Land zoned R2 Low Density Residential                  |
| <b>Development Permissible:</b>           | Yes                                                                        |
| <b>Existing Use Rights:</b>               | No                                                                         |
| <b>Consent Authority:</b>                 | Northern Beaches Council                                                   |
| <b>Land and Environment Court Action:</b> | No                                                                         |
| <b>Owner:</b>                             | Vicki Ley McGrath<br>Martin Paul McGrath<br>Nicholas Martin George McGrath |
| <b>Applicant:</b>                         | Nicholas Martin George McGrath                                             |
| <b>Application lodged:</b>                | 21/01/2019                                                                 |
| <b>Integrated Development:</b>            | No                                                                         |
| <b>Designated Development:</b>            | No                                                                         |
| <b>State Reporting Category:</b>          | Residential - Alterations and additions                                    |
| <b>Notified:</b>                          | 24/01/2019 to 11/02/2019                                                   |
| <b>Advertised:</b>                        | Not Advertised                                                             |
| <b>Submissions Received:</b>              | 0                                                                          |
| <b>Recommendation:</b>                    | Approval                                                                   |
| <b>Estimated Cost of Works:</b>           | \$ 61,100.00                                                               |

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B9 Rear Boundary Setbacks

Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation

Warringah Development Control Plan - E4 Wildlife Corridors

## SITE DESCRIPTION

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Description:</b>      | Lot 7 DP 242615 , 13 Woolrych Crescent DAVIDSON NSW 2085                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Detailed Site Description:</b> | <p>The subject site consists of Lot 7 DP 242615 allotment located on the south eastern side of Woolrych Crescent, Davidson.</p> <p>The site is regular in shape with a frontage of 18.29m along Woolrych Crescent and a depth of 38.1m. The site has a surveyed area of 695.5m<sup>2</sup>.</p> <p>The site is located within the WLEP 2011, R2 low density residential zone and accommodates an existing one / two storey brick veneer residence on an elevated floor. The site includes established lawns and a concrete driveway and tandem garage.</p> <p>The site is situated on a plateau underlain by Hawkesbury Sandstone with sandstone bedrock exposed within the footprint of the proposed development. The site slopes gently to the north east, consistent with surrounding land and is identified on the Landslip Risk Map as Area B - Flanking Slopes 5° to 25°.</p> <p>The site is within a potential wildlife corridor and contains native vegetation. The site includes established lawns and landscaping and has been identified to contain one non-locally native tree (<i>Backhausia citriodora</i>) that is located adjacent the rear boundary.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by predominantly two storey homes. The site and adjoining sites back on to Woolrych Crescent Reserve.</p> |

Map:



## SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

27 October 2015

Approval for the construction of a retaining wall.

## PROPOSED DEVELOPMENT IN DETAIL

The applicant is seeking consent for alterations and additions to a dwelling house including:

- A reinforced concrete swimming pool 6.0m x 3.0m wide
- An elevated deck area around the pool incorporating the existing rear deck
- Pool safety fencing, new screen plants and privacy screens

## 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                                  | None applicable.                                                       |

| Section 4.15 Matters for Consideration'                                                                                                                                            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| draft environmental planning instrument                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan                                                                                                             | Warringah Development Control Plan applies to this proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement                                                                                                                 | None applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)                                                          | <p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the 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) <b>Environmental Impact</b></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Section 4.15 Matters for Consideration'                                                | Comments                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                        | <p>(ii) <b>Social Impact</b><br/>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b><br/>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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application (prepared by Bushfire Code and Bushfire Hazard Solutions, dated 3 September 2018). The report stated that the bushfire attack level of the site is “Flame Zone” and the report recommended an alternative solution to comply with Planning for Bush Fire Protection.

The application was referred to the NSW Rural Fire Service who provided a response in a letter (Ref. DA19012517132 PE, dated 22 February 2019) recommending conditions. As the application was referred to the NSW Rural Fire Service, these conditions as well as the recommendations contained within the Bush Fire Report are to be adhered to. As such, these conditions will be enforced as conditions of consent.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited 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.

## MEDIATION

No requests for mediation have been made in relation to this application.



## REFERRALS

| Internal Referral Body              | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NECC (Bushland and Biodiversity)    | <p>The application has been assessed against Warringah DCP E1, E2, E4. The proposal includes a new swimming pool and deck at the rear of the site. The site is located on the Warringah DCP Wildlife Corridors map. One non-locally native tree (<i>Backhausia citriodora</i>) is located adjacent the boundary at the rear of the site. The plans indicate this tree is proposed for removal however the SEE states <i>There are no trees to be removed for the development</i>. An Arborist report has not been provided.</p> <p>Warringah DCP E4 has the objectives <i>to provide natural habitat for local wildlife, to retain and enhance native vegetation and to reconstruct habitat in non vegetated areas of wildlife corridors</i>. A Landscape Plan was not provided. The Pool Plan and Site Plan show various plantings however proposed species have not been identified. It is recommended a Landscape Plan be provided prior to CC that shows replacement planting at the rear of the site to be of native species from the Coastal Sandstone Heath vegetation type, to meet the objectives of the E4 control.</p> |
| Parks, reserves, beaches, foreshore | <p>Enter referral response.</p> <p><b>Recommendation</b></p> <p>Approval</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| External Referral Body                             | Comments                                                                                                                                                                                             |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid: (SEPP Infra.)                             | The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended. |
| NSW Rural Fire Service – local branch (s79BA EPAA) | A response was provided by the RFS on 22 February 2019. The response stated no objections to the development, subject to conditions.                                                                 |

## 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)

Nil

### Warringah Local Environmental Plan 2011

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

### Principal Development Standards

#### Compliance Assessment

| Clause                                  | Compliance with Requirements |
|-----------------------------------------|------------------------------|
| 4.6 Exceptions to development standards | N/A                          |
| 6.2 Earthworks                          | Yes                          |
| 6.4 Development on sloping land         | Yes                          |

### Warringah Development Control Plan

#### Built Form Controls

| Built Form Control                                  | Requirement | Proposed          | % Variation* | Complies |
|-----------------------------------------------------|-------------|-------------------|--------------|----------|
| B1 Wall height                                      | 7.2m        | N/A               | N/A          | N/A      |
| B2 Number of storeys                                | N/A         | N/A               | N/A          | N/A      |
| B3 Side Boundary Envelope                           | 4m          | N/A               | N/A          | N/A      |
|                                                     | 4m          | N/A               | N/A          | N/A      |
| B4 Site Coverage                                    | N/A         | 350m <sup>2</sup> | N/A          | Yes      |
| B5 Side Boundary Setbacks                           | 0.9m        | 10.2m (south)     | N/A          | Yes      |
|                                                     | 0.9m        | 2.2m (north)      | N/A          | Yes      |
| B7 Front Boundary Setbacks                          | 6.5m        | 21.2m             | N/A          | Yes      |
| B9 Rear Boundary Setbacks                           | 6m          | 1.03m             | 71.4%        | No       |
| B11 Foreshore Building Setback                      | N/A         | N/A               | N/A          | N/A      |
| B12 National Parks Setback                          | N/A         | N/A               | N/A          | N/A      |
| B13 Coastal Cliffs Setback                          | N/A         | N/A               | N/A          | N/A      |
| B14 Main Roads Setback                              | N/A         | N/A               | N/A          | N/A      |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40%         | 40.8%             | N/A          | Yes      |

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X,

then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

#### Compliance Assessment

| Clause                                                                 | Compliance with Requirements | Consistency Aims/Objectives |
|------------------------------------------------------------------------|------------------------------|-----------------------------|
| A.5 Objectives                                                         | Yes                          | Yes                         |
| B3 Side Boundary Envelope                                              | Yes                          | Yes                         |
| B5 Side Boundary Setbacks                                              | Yes                          | Yes                         |
| B7 Front Boundary Setbacks                                             | Yes                          | Yes                         |
| B9 Rear Boundary Setbacks                                              | Yes                          | Yes                         |
| C2 Traffic, Access and Safety                                          | Yes                          | Yes                         |
| C4 Stormwater                                                          | Yes                          | Yes                         |
| C5 Erosion and Sedimentation                                           | Yes                          | Yes                         |
| C6 Building over or adjacent to Constructed Council Drainage Easements | Yes                          | Yes                         |
| C7 Excavation and Landfill                                             | Yes                          | Yes                         |
| C8 Demolition and Construction                                         | Yes                          | Yes                         |
| C9 Waste Management                                                    | Yes                          | Yes                         |
| D1 Landscaped Open Space and Bushland Setting                          | Yes                          | Yes                         |
| D2 Private Open Space                                                  | Yes                          | Yes                         |
| D3 Noise                                                               | Yes                          | Yes                         |
| D8 Privacy                                                             | Yes                          | Yes                         |
| D10 Building Colours and Materials                                     | Yes                          | Yes                         |
| D12 Glare and Reflection                                               | Yes                          | Yes                         |
| D13 Front Fences and Front Walls                                       | Yes                          | Yes                         |
| D15 Side and Rear Fences                                               | Yes                          | Yes                         |
| D16 Swimming Pools and Spa Pools                                       | Yes                          | Yes                         |
| D22 Conservation of Energy and Water                                   | Yes                          | Yes                         |
| E1 Preservation of Trees or Bushland Vegetation                        | No                           | Yes                         |
| E2 Prescribed Vegetation                                               | Yes                          | Yes                         |
| E4 Wildlife Corridors                                                  | No                           | Yes                         |
| E5 Native Vegetation                                                   | Yes                          | Yes                         |
| E6 Retaining unique environmental features                             | Yes                          | Yes                         |
| E7 Development on land adjoining public open space                     | Yes                          | Yes                         |
| E10 Landslip Risk                                                      | Yes                          | Yes                         |

#### Detailed Assessment

##### **B9 Rear Boundary Setbacks**

The proposed stairs, landing and pool encroach the rear setback requirement of 6 meters. This area meets the exception of this clause in that it does not exceed 50% of the rear setback area and meets the objectives of this provision. The rear setback area measures 110m<sup>2</sup> and the proposal fills 17m<sup>2</sup> of



this area, therefore keeping within the 50% control.

## E1 Preservation of Trees or Bushland Vegetation

The proposal involves the clearing of one non-locally native tree (*Backhausia citriodora*) which is located adjacent to the boundary at the rear of the site. In order to comply with the objectives of Warringah DCP E4 *to provide natural habitat for local wildlife, to retain and enhance native vegetation and to reconstruct habitat in non vegetated areas of wildlife corridors*, Council's biodiversity Officer has recommended that a Landscape Plan be provided prior to Construction Certificate that shows replacement planting at the rear of the site to be of native species from the Coastal Sandstone Heath vegetation type. The recommendation by Biodiversity also states that:

- All plants used in the landscaping for this development must be locally native species consistent with the Sydney Coastal Heaths vegetation class.
- At least 2 locally native canopy trees are to be planted at the rear of the site consistent with the Sydney Coastal Heaths vegetation class.
- No environmental weeds are to be planted on the site.

These recommendations have been conditioned.

The compensatory tree planting will serve to meet the objectives of this clause.

## E4 Wildlife Corridors

### Merit consideration:

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

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*

### Comment:

The replacement of a non-locally native tree with two locally native canopy trees and additional plants consistent with the Sydney Coastal Heaths vegetation class as conditioned by the Biodiversity officer attempt to preserve and enhance the areas amenity by compensatory plantations.

- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*

### Comment:

The condition recommended by Council's Biodiversity Officer relating to tree planting and landscaping will ensure that the quality of all the above will be improved.

- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

Comment:

The plantation of locally native species will assist in providing appropriate natural habitat for local wildlife, improve natural shading and provide psychological and social benefits as a result of a visibly improved natural environment.

- *To retain and enhance native vegetation and the ecological functions of wildlife corridors.*

Comment:

The plantation of locally native species will assist in enhancing native vegetation and maintain the function of the wildlife corridor.

- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*

Comment:

The addition of canopy tree's and further native vegetation at the rear of the site will assist to further enhance the ecological function of the existing wildlife corridor and will also compliment the current vegetation structure.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **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 Council Contributions Plan 2018**

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;
- Warringah Local Environment Plan;

- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2019/0042 for Construction of a swimming pool on land at Lot 7 DP 242615, 13 Woolrych Crescent, DAVIDSON, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

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

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

##### a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |                  |                    |
|------------------------------------------------------------|------------------|--------------------|
| <b>Drawing No.</b>                                         | <b>Dated</b>     | <b>Prepared By</b> |
| DA01 - Floor / Pool plan                                   | 14 December 2018 | W.P.O'Brien & Co   |
| DA02 - Elevations                                          | 14 December 2018 | W.P.O'Brien & Co   |
| DA03 - Elevations                                          | 14 December 2018 | W.P.O'Brien & Co   |
| DA04 - Section and specification                           | 14 December 2018 | W.P.O'Brien & Co   |
| DA05 - Site plan and sediment control                      | 14 December 2018 | W.P.O'Brien & Co   |
|                                                            |                  |                    |

| <b>Engineering Plans</b> |              |                    |
|--------------------------|--------------|--------------------|
| <b>Drawing No.</b>       | <b>Dated</b> | <b>Prepared By</b> |
|                          |              |                    |

|        |  |  |
|--------|--|--|
| insert |  |  |
|        |  |  |

| Reports / Documentation – All recommendations and requirements contained within: |                  |                                                                       |
|----------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------|
| Report No. / Page No. / Section No.                                              | Dated            | Prepared By                                                           |
| Preliminary Geotechnical Assessment                                              | 16 August 2018   | Douglas Partners                                                      |
| Bushfire Report                                                                  | 3 September 2018 | Building Code and Bushfire Hazard Solutions                           |
| Natural Environment - Biodiversity                                               | 5 February 2019  | Northern Beaches Council Natural Environment Referrals - Biodiversity |
| NSW Rural Fire Service                                                           | 22 February 2019 | NSW Rural Fire Service                                                |

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

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

| Landscape Plans                                                                |       |             |
|--------------------------------------------------------------------------------|-------|-------------|
| Drawing No.                                                                    | Dated | Prepared By |
| insert                                                                         |       |             |
| TABLE HINT: to add or remove rows in this table right click your mouse button. |       |             |

| Waste Management Plan |                 |                          |
|-----------------------|-----------------|--------------------------|
| Drawing No/Title.     | Dated           | Prepared By              |
| Waste Management Plan | 25 October 2016 | Northern Beaches Council |

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. 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            |
|----------------------------------------|-------------------------------------------------|------------------|
| NSW Rural Fire Service                 | Referral - RFS - 13 Woolrych Crescent, Davidson | 22 February 2019 |

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

### 3. **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

#### 4. **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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths,



roadways, parks or grass verges without Council Approval.

- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.
- (j) 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.
- (k) 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

### 5. **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 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, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

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

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

### 6. **Landscaping**

A Landscape Plan must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. The Landscape Plan must include:

- all plant species to be native and consistent with the Sydney Coastal Heaths vegetation class;
- at least two locally native canopy trees are to be planted at the rear of the site consistent with the Sydney Coastal Heaths vegetation class.

Reason: Biodiversity conservation and management (DACNECPCC2)

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

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

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

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

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

### 8. **Landscape Planting**

All plants used in the landscaping for this development must be locally native species consistent with the Sydney Coastal Heaths vegetation class. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Biodiversity conservation and management (DACNEFPOC1)

9. **Tree Planting**

At least 2 locally native canopy trees are to be planted at the rear of the site consistent with the Sydney Coastal Heaths vegetation class.

All native trees are to be retained for the life of the development, or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Evidence of tree planting is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

**Reason:** Tree replacement.

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

10. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.

11. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

**Reason:** To protect Aboriginal Heritage.

12. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

**Reason:** To protect native wildlife in accordance with Section 2.1 of the NSW Biodiversity Conservation Act 2016.

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

**Signed**



**Kelsey Wilkes, Planner**

The application is determined on 26/03/2019, under the delegated authority of:



A handwritten signature in black ink, appearing to read "Anna Williams".

**Anna Williams, Manager Development Assessments**